



# Journal of the Senate

State of Indiana

115th General Assembly

First Regular Session

Twenty-second Meeting Day

Monday Afternoon

February 26, 2007

The Senate convened at 2:07 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

Prayer was offered by Senator Dennis K. Kruse.

The Pledge of Allegiance to the Flag was led by the President of the Senate.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Becker	Lubbers
Boots	Meeks
Bowser <input checked="" type="checkbox"/>	Merritt
Bray	Miller
Breaux	Mishler
Broden	Mrvan
Deig	Nugent
Delph	Paul
Dillon	Riegsecker
Drozda	Rogers
Errington	Simpson
Ford	Sipes
Gard	Skinner
Heinold	Smith
Hershman	Steele
Howard	Tallian
Hume	Walker
Jackman	Waltz
Kenley	Waterman
Kruse	Weatherwax
Lanane	Wyss <input checked="" type="checkbox"/>
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 170: present 48; excused 2. [Note: A ☒ indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

## SENATE MOTION

Madam President: I move that Senator Paul be added as second author and Senator Rogers be added as coauthor of Senate Bill 68.

WYSS

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Miller be added as second

author and Senator Simpson be added as coauthor of Senate Bill 109.

WYSS

Motion prevailed.

## MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed House Bills 1646, 1777, 1797, 1816, 1767, 1753, 1742, 1505, and 1173 and the same are herewith transmitted to the Senate for further action.

CLINTON MCKAY  
Principal Clerk of the House

## MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolutions 25 and 34 and the same are herewith returned to the Senate.

CLINTON MCKAY  
Principal Clerk of the House

## MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed House Bills 1653, 1726, 1074, 1739, 1820, and 1837 and the same are herewith transmitted to the Senate for further action.

CLINTON MCKAY  
Principal Clerk of the House

## MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed House Bills 1304, 1468, 1835, and 1821 and the same are herewith transmitted to the Senate for further action.

CLINTON MCKAY  
Principal Clerk of the House

## MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed House Bill 1001 and the same is herewith transmitted to the Senate for further action.

CLINTON MCKAY  
Principal Clerk of the House

## MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed House Bills 1647 and

1656 and the same are herewith transmitted to the Senate for further action.

CLINTON MCKAY  
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolution 37 and the same is herewith returned to the Senate.

CLINTON MCKAY  
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed House Bills 1258, 1434, 1503, 1521, and 1551 and the same are herewith transmitted to the Senate for further action.

CLINTON MCKAY  
Principal Clerk of the House

**REPORT OF THE PRESIDENT  
PRO TEMPORE**

Madam President: I hereby report that, pursuant to Senate Rule 73, I have received from Senator Wyss, author of Senate Bill 51, permission for Senator Broden, second author, to call this bill for action.

LONG

Report adopted.

**REPORT OF THE PRESIDENT  
PRO TEMPORE**

Madam President: I hereby report that, pursuant to Senate Rule 73, I have received from Senator Wyss, author of Senate Bill 68, permission for Senator Paul, second author, to call this bill for action.

LONG

Report adopted.

**REPORT OF THE PRESIDENT  
PRO TEMPORE**

Madam President: I hereby report that, pursuant to Senate Rule 73, I have received from Senator Wyss, author of Senate Bill 109, permission for Senator Miller, second author, to call this bill for action.

LONG

Report adopted.

**REPORT OF THE PRESIDENT  
PRO TEMPORE**

Madam President: I hereby report that, pursuant to Senate

Rule 73, I have received from Senator Wyss, author of Senate Bill 435, permission for Senator R. Young, second author, to call this bill for action.

LONG

Report adopted.

**RESOLUTIONS ON SECOND READING**

**Senate Concurrent Resolution 26**

Senator Lubbers called up Senate Concurrent Resolution 26 for second reading. The resolution was read a second time by title and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Porter and Behning.

**JOINT RESOLUTIONS ON SECOND READING**

**Senate Joint Resolution 2**

Senator Miller called up Senate Joint Resolution 2 for second reading. The resolution was read a second time by title, and there being no amendments was ordered engrossed.

**SENATE BILLS ON SECOND READING**

**Senate Bill 2**

Senator Drozda called up Senate Bill 2 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

*Pursuant to prior authorization from Senator Wyss, Senator Broden called up Senate Bill 51 for Second Reading.*

**Senate Bill 51**

Senator Broden called up Senate Bill 51 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 65**

Senator Hershman called up Senate Bill 65 for second reading. The bill was read a second time by title.

SENATE MOTION  
(Amendment 65-2)

Madam President: I move that Senate Bill 65 be amended to read as follows:

Page 3, line 27, after "person;" insert "**or**".

Page 3, delete lines 28 through 29.

Page 3, line 30, delete "(9)" and insert "**(8)**".

Page 3, line 34, before "(a)(7)," reset in roman "or".

Page 3, line 34, delete ", or (a)(8)".

(Reference is to SB 65 as printed February 16, 2007.)

HERSHMAN

Motion prevailed.

SENATE MOTION  
(Amendment 65-1)

Madam President: I move that Senate Bill 65 be amended to read as follows:

Delete everything after the enacting clause and insert the following:

**SECTION 1. (EFFECTIVE UPON PASSAGE) The Interim Study Committee on Criminal Justice Matters shall study the need to expand the definition of "family or household member" and how such an expansion impacts the enforcement and effectiveness of domestic battery and other domestic violence statutes in Indiana. The Committee shall prepare a report with its recommendations and present the report to the General Assembly on or before December 1, 2007.**

(Reference is to SB 65 as printed February 7, 2007.)

TALLIAN

Motion failed. The bill was ordered engrossed.

*Pursuant to prior authorization from Senator Wyss, Senator Paul called up Senate Bill 68 for Second Reading.*

**Senate Bill 68**

Senator Paul called up Senate Bill 68 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 78**

Senator M. Young called up Senate Bill 78 for second reading. The bill was read a second time by title.

SENATE MOTION  
(Amendment 78-1)

Madam President: I move that Senate Bill 78 be amended to read as follows:

Page 9, between lines 33 and 34, begin a new paragraph and insert:

"SECTION 12. IC 11-8-8-5.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 5.2. As used in this chapter, "sex offense" means an offense listed in section 5(a)(1) through 5(a)(17) of this chapter, except for section 5(a)(14) and 5(a)(15) of this chapter.**"

Page 26, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 29. IC 35-38-1-7.5, AS AMENDED BY P.L.173-2006, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 7.5. (a) As used in this section, "sexually violent predator" means a person who suffers from a mental abnormality or personality disorder that makes the individual likely to repeatedly engage in any of the offenses described in IC 11-8-8-5 a sex offense (as defined in IC 11-8-8-5.2).** The term includes a person convicted in another jurisdiction who is identified as a sexually violent predator under IC 11-8-8-20. The term does not include a person no longer considered a sexually violent predator under subsection (g).

(b) A person who:

(1) being at least eighteen (18) years of age, commits an offense described in:

(A) IC 35-42-4-1;

(B) IC 35-42-4-2;

(C) IC 35-42-4-3 as a Class A or Class B felony;

(D) IC 35-42-4-5(a)(1);

(E) IC 35-42-4-5(a)(2);

(F) IC 35-42-4-5(a)(3);

(G) IC 35-42-4-5(b)(1) as a Class A or Class B felony;

(H) IC 35-42-4-5(b)(2); or

(I) IC 35-42-4-5(b)(3) as a Class A or Class B felony; or

(2) commits ~~an~~ a sex offense ~~described in IC 11-8-8-5 (as defined in IC 11-8-8-5.2)~~ while having a previous unrelated conviction for ~~an~~ a sex offense ~~described in IC 11-8-8-5 (as defined in IC 11-8-8-5.2)~~ for which the person is required to register as ~~an~~ sex offender under IC 11-8-8;

is a sexually violent predator.

(c) This section applies whenever a court sentences a person for a sex offense ~~listed in IC 11-8-8-5 (as defined in IC 11-8-8-5.2)~~ for which the person is required to register with the local law enforcement authority under IC 11-8-8.

(d) At the sentencing hearing, the court shall determine whether the person is a sexually violent predator under subsection (b).

(e) If the court does not find the person to be a sexually violent predator under subsection (b), the court shall consult with a board of experts consisting of two (2) board certified psychologists or psychiatrists who have expertise in criminal behavioral disorders to determine if the person is a sexually violent predator under subsection (a).

(f) If the court finds that a person is a sexually violent predator:

(1) the person is required to register with the local law enforcement authority as provided in IC 11-8-8; and

(2) the court shall send notice of its finding under this subsection to the department of correction.

(g) A person who is found by a court to be a sexually violent predator may petition the court to consider whether the person should no longer be considered a sexually violent predator. The person may file a petition under this subsection not earlier than ten (10) years after:

(1) the sentencing court makes its finding under subsection (e); or

(2) a person found to be a sexually violent predator under subsection (b) is released from incarceration.

A person may file a petition under this subsection not more than one (1) time per year. If a court finds that the person should no longer be considered a sexually violent predator, the court shall send notice to the department of correction that the person is no longer considered a sexually violent predator. Notwithstanding any other law, a condition imposed on a person due to the person's status as a sexually violent predator, including lifetime parole or GPS monitoring, does not apply to a person no longer considered a sexually violent predator."

Renumber all SECTIONS consecutively.

(Reference is to SB 78 as printed February 21, 2007.)

M. YOUNG

Motion prevailed. The bill was ordered engrossed.

**Senate Bill 88**

Senator Weatherwax called up Senate Bill 88 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 90**

Senator M. Young called up Senate Bill 90 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 96**

Senator Meeks called up Senate Bill 96 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 103**

Senator Gard called up Senate Bill 103 for second reading. The bill was read a second time by title.

SENATE MOTION  
(Amendment 103-1)

Madam President: I move that Senate Bill 103 be amended to read as follows:

Page 2, delete lines 38 through 42, begin a new line block indented and insert:

**"(5) a gathering to discuss an industrial or a commercial prospect that does not include a conclusion as to recommendations, policy, decisions, or final action on the terms of a request or an offer of public financial resources;  
(6) orientation of members of the governing body on their role and responsibilities as public officials, but not for any other official action; or".**

Page 3, delete lines 1 through 2.

Page 4, delete lines 17 through 18, begin a new line block indented and insert:

**"(1) One (1) of the gatherings is attended by at least three (3) members but less than a quorum of the members of the governing body and the other gatherings include at least two (2) members of the governing body".**

Page 4, delete line 42, begin a new line block indented and insert:

**"(5) a gathering to discuss an industrial or a commercial prospect that does not include a conclusion as to recommendations, policy, decisions, or final action on the terms of a request or an offer of public financial resources;"**

Page 5, delete lines 1 through 2.

Page 5, delete lines 7 through 9, begin a new line block indented and insert:

**"(7) orientation of members of the governing body on their role and responsibilities as public officials, but not for any other official action;"**

Page 5, line 11, delete "." and insert "; or".

Page 5, between lines 11 and 12, begin a new line block indented and insert:

**"(9) a meeting between less than a quorum of the members of the governing body intended solely for members to engage in informal discussion concerning whether a member or members may be inclined to support a member's proposal or a particular piece of legislation and at which no other official or final action will occur."**

(Reference is to SB 103 as printed February 23, 2007.)

GARD

Motion prevailed. The bill was ordered engrossed.

**Senate Bill 108**

Senator Lanane called up Senate Bill 108 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

*Pursuant to prior authorization from Senator Wyss, Senator Miller called up Senate Bill 109 for Second Reading.*

**Senate Bill 109**

Senator Miller called up Senate Bill 109 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 138**

Senator M. Young called up Senate Bill 138 for second reading. The bill was read a second time by title.

SENATE MOTION  
(Amendment 138-3)

Madam President: I move that Senate Bill 138 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

SECTION 1. IC 3-11-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) A voter who is otherwise qualified to vote in person is entitled to vote by absentee ballot: ~~Except~~

**(1) by mail;**

**(2) before an absentee voter board** as otherwise provided in this article; ~~a voter voting by absentee ballot must vote~~

**(3) in the office of the circuit court clerk (or board of elections and registration in a county subject to IC 3-6-5.2); or**

**(4) at a satellite office established under IC 3-11-10-26.3.**

(b) A county election board, by unanimous vote of its entire membership, may authorize a person who is otherwise qualified to vote in person to vote by absentee ballot if the board determines that the person has been hospitalized or suffered an injury following the final date and hour for applying for an absentee ballot that would prevent the person from voting in person at the polls.

(c) The commission, by unanimous vote of its entire membership, may authorize a person who is otherwise qualified to vote in person to vote by absentee ballot if the commission determines that an emergency prevents the person from voting in person at a polling place.

(d) The absentee ballots used in subsection (b) or (c) must be the same official absentee ballots as described in section 12 and 13 of

this chapter. Taking into consideration the amount of time remaining before the election, the commission shall determine whether the absentee ballots are transmitted to and from the voter by mail or personally delivered. An absentee ballot that is personally delivered shall comply with the requirements in sections 19, 20, and 21 of this chapter.

Page 2, strike lines 14 through 21.

Page 2, line 22, delete "(5)" and insert "(4)".

Page 2, line 25, delete "(6)" and insert "(5)".

Page 5, after line 9, begin a new paragraph and insert:

SECTION 5. IC 3-11-4-18, AS AMENDED BY P.L.164-2006, SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 18. (a) ~~If a voter satisfies any of the qualifications described in IC 3-11-10-24 that entitle a voter to cast an absentee ballot by mail;~~ The county election board shall, at the request of the voter, mail the official ballot, postage fully prepaid, to the voter at the address stated in the application.

(b) If the county election board mails an absentee ballot to a voter required to file additional documentation with the county voter registration office before voting by absentee ballot under this chapter, the board shall include a notice to the voter in the envelope mailed to the voter under section 20 of this chapter. The notice must inform the voter that the voter must file the additional documentation required under IC 3-7-33-4.5 with the county voter registration office not later than noon on election day for the absentee ballot to be counted as an absentee ballot, and that, if the documentation required under IC 3-7-33-4.5 is filed after noon and before 6 p.m. on election day, the ballot will be processed as a provisional ballot. The commission shall prescribe the form of this notice under IC 3-5-4-8.

(c) Except as provided in section 18.5 of this chapter, the ballot shall be mailed:

- (1) on the day of the receipt of the voter's application; or
- (2) not more than five (5) days after the date of delivery of the ballots under section 15 of this chapter;

whichever is later.

(d) In addition to the ballot mailed under subsection (c), the county election board shall mail a special absentee ballot for overseas voters.

(e) Except as provided in section 18.5 of this chapter, the ballot described in subsection (d):

- (1) must be mailed:

- (A) on the day of the receipt of the voter's application; or
- (B) not more than five (5) days after the latest date for delivery of the ballots under section 13(b) of this chapter applicable to that election;

whichever is later; and

- (2) may not be mailed after the absentee ballots described by section 13(a) of this chapter have been delivered to the circuit court clerk or the clerk's authorized deputy.

(f) As required by 42 U.S.C. 15481, an election board shall establish a voter education program (specific to a paper ballot or optical scan ballot card provided as an absentee ballot under this chapter) to notify a voter of the effect of casting multiple votes for a single office.

(g) As provided by 42 U.S.C. 15481, when an absentee ballot is mailed under this section, the mailing must include:

(1) information concerning the effect of casting multiple votes for an office; and

(2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

Page 5, after line 23, begin a new paragraph and insert:

SECTION 7. IC 3-11-10-24, AS AMENDED BY P.L.103-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 24. (a) Except as provided in subsection (b), a voter ~~who satisfies any of the following~~ is entitled to vote by mail.

(1) ~~The voter has a specific, reasonable expectation of being absent from the county on election day during the entire twelve (12) hours that the polls are open.~~

(2) ~~The voter will be absent from the precinct of the voter's residence on election day because of service as:~~

(A) ~~a precinct election officer under IC 3-6-6;~~

(B) ~~a watcher under IC 3-6-8; IC 3-6-9; or IC 3-6-10;~~

(C) ~~a challenger or pollbook holder under IC 3-6-7; or~~

(D) ~~a person employed by an election board to administer the election for which the absentee ballot is requested;~~

(3) ~~The voter will be confined on election day to the voter's residence, to a health care facility, or to a hospital because of an illness or injury during the entire twelve (12) hours that the polls are open.~~

(4) ~~The voter is a voter with disabilities.~~

(5) ~~The voter is an elderly voter.~~

(6) ~~The voter is prevented from voting due to the voter's care of an individual confined to a private residence because of illness or injury during the entire twelve (12) hours that the polls are open.~~

(7) ~~The voter is scheduled to work at the person's regular place of employment during the entire twelve (12) hours that the polls are open.~~

(8) ~~The voter is eligible to vote under IC 3-10-11 or IC 3-10-12.~~

(9) ~~The voter is prevented from voting due to observance of a religious discipline or religious holiday during the entire twelve (12) hours that the polls are open.~~

(10) ~~The voter is an address confidentiality program participant (as defined in IC 5-26.5-1-6).~~

(b) A voter with disabilities who:

(1) is unable to make a voting mark on the ballot or sign the absentee ballot secrecy envelope; and

(2) requests that the absentee ballot be delivered to an address within Indiana;

must vote before an absentee voter board under section 25(b) of this chapter.

(c) If a voter receives an absentee ballot by mail, the voter shall personally mark the ballot in secret and seal the marked ballot inside the envelope provided by the county election board for that purpose. The voter shall:

(1) deposit the sealed envelope in the United States mail for delivery to the county election board; or

(2) authorize a member of the voter's household or the individual designated as the voter's attorney in fact to:

- (A) deposit the sealed envelope in the United States mail; or
- (B) deliver the sealed envelope in person to the county election board.

(d) If a member of the voter's household or the voter's attorney in fact delivers the sealed envelope containing a voter's absentee ballot to the county election board, the individual delivering the ballot shall complete an affidavit in a form prescribed by the commission. The affidavit must contain the following information:

- (1) The name and residence address of the voter whose absentee ballot is being delivered.
- (2) A statement of the full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the individual delivering the absentee ballot.
- (3) A statement indicating whether the individual delivering the absentee ballot is a member of the voter's household or is the attorney in fact for the voter. If the individual is the attorney in fact for the voter, the individual must attach a copy of the power of attorney for the voter, unless a copy of this document has already been filed with the county election board.
- (4) The date and location at which the absentee ballot was delivered by the voter to the individual delivering the ballot to the county election board.
- (5) A statement that the individual delivering the absentee ballot has complied with Indiana laws governing absentee ballots.
- (6) A statement that the individual delivering the absentee ballot is executing the affidavit under the penalties of perjury.
- (7) A statement setting forth the penalties for perjury.

(e) The county election board shall record the date and time that the affidavit under subsection (d) was filed with the board.

(f) After a voter has mailed or delivered an absentee ballot to the office of the circuit court clerk, the voter may not recast a ballot, except as provided in:

- (1) section 1.5 of this chapter; or
- (2) section 33 of this chapter.

Renumber all SECTIONS consecutively.

(Reference is to SB 138 as printed February 23, 2007.)

ERRINGTON

Motion failed. The bill was ordered engrossed.

#### Senate Bill 139

Senator Lubbers called up Senate Bill 139 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Senate Bill 150

Senator Lawson called up Senate Bill 150 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Senate Bill 173

Senator Jackman called up Senate Bill 173 for second reading. The bill was read a second time by title.

#### SENATE MOTION (Amendment 173-2)

Madam President: I move that Senate Bill 173 be amended to read as follows:

Page 2, line 1, delete "shall" and insert "**may**".

(Reference is to SB 173 as printed February 21, 2007.)

JACKMAN

Motion prevailed.

#### SENATE MOTION (Amendment 173-1)

Madam President: I move that Senate Bill 173 be amended to read as follows:

Page 2, line 2, after ";," insert "**or**".

Page 2, line 3, delete "; or".

Page 2, delete line 4.

(Reference is to SB 173 as printed February 21, 2007.)

TALLIAN

The Chair ordered a division of the Senate. Yeas 16, nays 30.

Motion failed. The bill was ordered engrossed.

#### Senate Bill 174

Senator Jackman called up Senate Bill 174 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Senate Bill 194

Senator Miller called up Senate Bill 194 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Senate Bill 197

Senator Miller called up Senate Bill 197 for second reading. The bill was read a second time by title.

#### SENATE MOTION (Amendment 197-2)

Madam President: I move that Senate Bill 197 be amended to read as follows:

Page 2, between lines 19 and 20, begin a new line block indented and insert:

**"(8) "Spinal manipulation, adjustment, or grade 5 mobilization" means a manual or mechanical intervention that may have velocity, lever, amplitude, or recoil and that:**

**(A) may carry a joint complex beyond the normal physiological range of motion;**

**(B) is applied without exceeding the boundaries of anatomical integrity of the joint complex or other articulation; and**

**(C) is intended to result in a cavitation of the joint or a reduction of a subluxation."**

Page 4, between lines 3 and 4, begin a new paragraph and insert: "SECTION 4. IC 25-27-1-3.3 IS ADDED TO THE INDIANA

CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 3.3. (a) A physical therapist may not perform a spinal manipulation, adjustment, or grade 5 mobilization unless the physical therapist has received an endorsement to perform the procedure by completing the additional education required in this section.**

**(b) The board shall issue an endorsement to a physical therapist to perform a spinal manipulation, adjustment, or grade 5 manipulation if the physical therapist meets the additional requirements in this section.**

**(c) In order to perform a spinal manipulation, adjustment, or grade 5 mobilization, the physical therapist must satisfy the following additional education requirements:**

**(1) At least three hundred ninety (390) credit hours, of which:**

**(A) at least five thousand six hundred (5,600) hours are classroom hours that consist of at least:**

**(i) four hundred (400) hours of classroom instruction; and**

**(ii) eight hundred (800) hours of supervised clinical training, including certified and supervised manipulation of at least two hundred fifty (250) different, alive individuals, and of which at least two hundred (200) of these manipulations are spinal manipulations.**

**(2) Seventy-five (75) assessments of patients through direct observation.**

**The course description for a class taken under this subsection must be equivalent to a course taken by a licensed chiropractor, osteopath, or physician.**

**(d) In order to maintain an endorsement issued under this section, a physical therapist who obtains the endorsement must complete twelve (12) hours of continuing education per year, of which at least six (6) hours are concerning spinal manipulation, adjustment, or grade 5 mobilization."**

Renumber all SECTIONS consecutively.

(Reference is to SB 197 as printed February 23, 2007.)

ALTING

Upon request of Senator Alting the President ordered the roll of the Senate to be called. Roll Call 171: yeas 28, nays 20.

Motion prevailed. The bill was ordered engrossed.

#### Senate Bill 199

Senator Miller called up Senate Bill 199 for second reading. The bill was read a second time by title.

SENATE MOTION  
(Amendment 199-2)

Madam President: I move that Senate Bill 199 be amended to read as follows:

Page 3, line 21, delete "or".

Page 3, line 22, delete "." and insert "; or".

Page 3, between lines 22 and 23, begin a new line block indented and insert:

**"(3) physician licensed under IC 25-22.5 who provides medical services to a surrogate or an intended parent."**

(Reference is to SB 199 as printed February 20, 2007.)

MILLER

Motion prevailed. The bill was ordered engrossed.

#### Senate Bill 205

Senator Gard called up Senate Bill 205 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Senate Bill 207

Senator Dillon called up Senate Bill 207 for second reading. The bill was read a second time by title.

SENATE MOTION  
(Amendment 207-3)

Madam President: I move that Senate Bill 207 be amended to read as follows:

Page 3, between lines 32 and 33, begin a new paragraph and insert:

**"Sec. 7. This chapter expires June 30, 2010."**

(Reference is to SB 207 as printed February 23, 2007.)

DILLON

Motion prevailed.

SENATE MOTION  
(Amendment 207-1)

Madam President: I move that Senate Bill 207 be amended to read as follows:

Page 2, between lines 18 and 19, begin a new line block indented and insert:

**"(5) An office-based setting under IC 25-22.5-2-7(10) including a facility, clinic, center, office or other setting where procedures are performed that require moderate sedation or analgesia, deep sedation or analgesia, general anesthesia, or regional anesthesia."**

(Reference is to SB 207 as printed February 23, 2007.)

DILLON

Motion prevailed.

SENATE MOTION  
(Amendment 207-2)

Madam President: I move that Senate Bill 207 be amended to read as follows:

Page 2, line 7, delete "entity that has been certified as a patient" and insert "entity":

**(A) that certifies that it meets the criteria under 42 U.S.C. 299b-24 as a patient safety organization and whose certification has been accepted by the federal Department of Health and Human Services; or**

**(B) that has been determined by the state department to satisfy the criteria in 42 U.S.C. 299b-24 for certification as a patient safety organization to a degree sufficient to enable the entity to perform the activities of an agency under this chapter; or".**

Page 2, delete line 8.

Page 2, line 11, delete "a certified" and insert "an".

Page 2, line 11, delete "." and insert "as described in subdivision (1)".

Page 2, line 40, delete "an incident" and insert "a".

Page 3, line 5, delete "for information in an incident report that" and insert "as provided in subsections (d) and (e), the following are confidential and privileged from use as evidence in an administrative or a judicial proceeding:

(1) Oral or written information or reports given to the agency.

(2) Proceedings, records, deliberations, and findings of the agency.

(b) The agency may not disclose to a person outside of the agency the contents of:

(1) communications to the agency;

(2) agency records; or

(3) agency determinations;

that are generated, undertaken, or performed as a result of a report described in section 4 of this chapter or under the agreement described in section 3(a) of this chapter.

(c) A person who has participated in an agency proceeding or deliberation may not disclose to a person outside of the agency:

(1) matters or opinions related to the agency's proceedings or deliberations; or

(2) the contents of any confidential or privileged information that the person obtains and that consists of information that was not provided to the agency by the person.

However, the person may disclose information that the person provided to the agency.

(d) The agency may disclose information concerning patient safety or quality of health care matters addressed in the agreement described in section 3(a) of this chapter if the information does not disclose any of the following:

(1) The identity of the health care facility, health care provider, or patient.

(2) The identity of a person that provided information to the agency.

(3) Information that could reasonably be expected to result in the identification of a health care facility, health care provider, patient, or person that has provided information to the agency.

(e) Information or material that is confidential and privileged under this section may be used as evidence in a criminal proceeding only if the court first makes an in camera determination that the information:

(1) is relevant to the criminal proceeding;

(2) is material to the proceeding; and

(3) is not reasonably available from another source."

Page 3, delete lines 6 through 30.

Page 4, line 15, delete "A" and insert "Upon approval by the health care facility's governing body, the".

Page 4, line 17, delete "administering IC 16-40-5".

Page 4, line 17, delete "IC 16-40-5:" and insert "patient safety or quality of health care matters in the agreement:".

Page 4, line 26, delete "civil" and insert "judicial".

Page 4, line 26, after "proceeding." insert "However, the agency may issue a report that is based upon information submitted or disclosed to the agency by a peer review committee if the report or any other information released does not disclose the identity of the health care facility, health care provider, or patient."

Page 4, delete lines 27 through 33.

Page 4, line 34, delete "(g)" and insert "(f)".

Page 4, line 34, delete "board" and insert "body".

Page 4, line 38, after "without" insert ":

(1)".

Page 4, line 38, delete "." and insert "; or

(2) waiving the confidentiality or privilege attached to the communications, proceedings, records, or deliberations of the peer review committee."

(Reference is to SB 207 as printed February 23, 2007.)

DILLON

Motion prevailed. The bill was ordered engrossed.

## Senate Bill 208

Senator Dillon called up Senate Bill 208 for second reading. The bill was read a second time by title.

### SENATE MOTION

(Amendment 208-1)

Madam President: I move that Senate Bill 208 be amended to read as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 12-10-12-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) **This subsection does not apply after June 30, 2008.** If an individual who is discharged from a hospital licensed under IC 16-21:

(1) is admitted to a nursing facility after the individual has been screened under the nursing facility preadmission program described in this chapter; and

(2) is eligible for participation in the federal Medicaid program;

prior approval of the individual's admission to the nursing facility may not be required by the office under IC 12-15-21-1 through IC 12-15-21-3.

(b) **This subsection applies beginning July 1, 2008. If an individual:**

(1) is admitted to a nursing facility after the individual has been screened under the nursing facility preadmission program described in this chapter; and

(2) is eligible for participation in the federal Medicaid program;

prior approval of the individual's admission to the nursing facility may be required by the office under IC 12-15-21-1 through IC 12-15-21-3.

(c) **The office may adopt rules under IC 4-22-2 to implement subsection (b). However, the adopted rules may not take effect before July 1, 2008.**

SECTION 2. **An emergency is declared for this act.**

(Reference is to SB 208 as printed February 23, 2007.)

DILLON

Motion prevailed. The bill was ordered engrossed.



**Senate Bill 211**

Senator Ford called up Senate Bill 211 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 232**

Senator Zakas called up Senate Bill 232 for second reading. The bill was read a second time by title.

SENATE MOTION  
(Amendment 232-1)

Madam President: I move that Senate Bill 232 be amended to read as follows:

Page 1, line 16, after "IC 32-21-2-3;" insert "or".  
 Page 1, delete line 17.  
 Page 2, delete line 1.  
 Page 2, line 2, delete "(iv)" and insert "(ii)".  
 Page 2, line 3, after "of" delete ":" and insert "IC 36-2-11-16(c)".  
 Page 2, delete lines 4 through 5.  
 Page 2, line 6, delete "all parties are considered" and insert "is".  
 Page 2, line 7, delete "to have".  
 Page 2, line 7, after "instrument" insert "as of the date of filing".  
 (Reference is to SB 232 as printed February 23, 2007.)

ZAKAS

Motion prevailed. The bill was ordered engrossed.

**Senate Bill 233**

Senator Zakas called up Senate Bill 233 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 250**

Senator Jackman called up Senate Bill 250 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 261**

Senator Heinold called up Senate Bill 261 for second reading. The bill was read a second time by title.

SENATE MOTION  
(Amendment 261-1)

Madam President: I move that Senate Bill 261 be amended to read as follows:

Page 5, line 29, after "facilities." insert "**A statement under this subdivision may not allow less than seventy-five percent (75%) of the condominium unit owners, or less than seventy-five percent (75%) of the owners of condominium units not owned by the declarant, to convey or encumber part or all of the common areas and facilities.**".

Page 7, line 1, after "facilities." insert "**A statement under this subdivision may not allow less than seventy-five percent (75%) of the condominium unit owners, or less than seventy-five percent (75%) of the owners of condominium units not owned by the declarant, to convey or encumber part or all of the common areas and facilities.**".

(Reference is to SB 261 as printed February 21, 2007.)

HEINOLD

Motion prevailed. The bill was ordered engrossed.

**Senate Bill 269**

Senator Heinold called up Senate Bill 269 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 318**

Senator Miller called up Senate Bill 318 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 320**

Senator Miller called up Senate Bill 320 for second reading. The bill was read a second time by title.

SENATE MOTION  
(Amendment 320-1)

Madam President: I move that Senate Bill 320 be amended to read as follows:

Page 5, line 11, delete "Except for appeals of denials of license renewals to the".

Page 5, line 12, delete "executive director authorized by section 5.5 of this chapter, nothing" and insert "Nothing".

Page 8, line 38, delete "IC 25-21.8-5-4(3);" and insert "**IC 25-21.8-5-3(3);**".

Page 8, line 41, delete "a physician chiropractor, podiatrist, physical" and insert "**an athletic trainer, a cosmetologist, or an individual licensed under the following:**

(i) **IC 25-1-5.**

(ii) **IC 25-7.**

(iii) **IC 25-8.**".

Page 8, delete line 42.

Page 9, line 6, delete "IC 25-21.8-5-4(3);" and insert "**IC 25-21.8-5-3(3);**".

Page 9, delete lines 9 through 27.

Page 9, line 36, delete "therapeutic".

Page 10, line 6, delete "joint manipulation or".

Page 10, line 6, delete "adjustment;" and insert "**manipulation;**".

Page 10, delete lines 11 through 28.

Page 10, delete lines 38 through 40.

Page 11, delete lines 6 through 8.

Page 11, delete line 24.

Page 11, line 25, after "as" delete "chairperson," and insert "**chairperson or**".

Page 11, line 25, after "vice" delete "chairperson, or" and insert "**chairperson**".

Page 11, line 26, delete "secretary".

Page 11, line 26, delete "chairperson," and insert "**chairperson or**".

Page 11, line 27, delete "chairperson, or secretary" and insert "chairperson".

Page 11, line 28, delete "two (2) times" and insert "**one (1) time**".

Page 11, line 30, delete "." and insert **"and with the advice and consent of the executive director of the professional licensing agency."**

Page 11, between lines 36 and 37, begin a new paragraph and insert:

**"Sec. 9. The board shall adopt rules under IC 4-22-2 regarding standards for the competent practice of massage therapy."**

Page 12, line 3, delete "IC 25-1-7" insert **"IC 4-21.5, IC 25-1-7,"**

Page 12, line 4, delete "IC 4-21.5" and insert **"this article"**.

Page 12, delete lines 24 through 25.

Page 12, line 26, delete "2." and insert **"1."**

Page 12, line 32, delete "3." and insert **"2."**

Page 13, delete lines 18 through 20.

Page 13, line 23, delete "A criminal conviction may not" and insert **"The board shall deny an application for certification if the applicant:"**

Page 13, delete line 24.

Page 13, line 25, delete "the conviction is for:" and insert **"has been convicted of:"**

Page 13, line 29, delete "the applicant".

Page 13, line 32, delete "4." and insert **"3."**

Page 13, line 34, after ";" insert **"or"**.

Page 13, delete line 35.

Page 13, line 36, delete "(3)" and insert **"(2)"**.

Page 13, line 38, after ";" insert **"or"**.

Page 13, line 39, delete "'LMT'," and insert **"'CMT' or"**.

Page 13, line 39, delete ", 'LMP', or 'MP'; or" and insert **"."**

Page 13, delete lines 40 through 42.

Page 14, line 2, delete "Subject to section 2 of this chapter, the" and insert **"The"**.

Page 14, line 4, after "state" delete "or".

Page 14, line 5, delete "country".

Page 14, line 13, delete "A criminal conviction may not" and insert **"The board shall deny an application for certification if the applicant:"**

Page 14, delete line 14.

Page 14, line 15, delete "the conviction is for:" and insert **"has been convicted of:"**

Page 14, line 19, delete "the applicant".

Page 14, line 21, delete "jurisdiction" and insert **"state"**.

Page 14, line 23, delete "jurisdiction." and insert **"state."**

Page 14, delete lines 24 through 36.

Page 14, line 38, delete "two (2)" and insert **"four (4)"**.

Page 14, line 40, delete "two (2)" and insert **"four (4)"**.

Page 15, line 2, after ";" insert **"and"**.

Page 15, line 3, delete "; and" and insert **"."**

Page 15, delete lines 4 through 13.

Page 15, line 16, delete "by the" and insert **"under IC 25-1-8-6."**

Page 15, delete line 17.

Page 15, line 22, delete "Class C" and insert **"Class B"**.

Page 15, line 23, delete "(a)".

Page 15, line 24, delete "IC 25-1-7, IC 25-1-9-4, and IC 25-1-9-9." and insert **"IC 25-1-7 and IC 25-1-11."**

Page 15, delete lines 25 through 26, begin a new paragraph and

insert:

**"Sec. 3. If an individual certified under this article is convicted of a crime, the individual is responsible for notifying the board not later than thirty (30) days after the conviction."**

Page 16, line 1, delete "October 1, 2007." and insert **"January 1, 2008."**

Page 16, line 18, delete "IC 25-21.8-5-3," and insert **"IC 25-21.8-5-2,"**

Page 16, line 20, delete "2008," and insert **"2009,"**

Page 16, line 22, delete "2007," and insert **"2009,"**

Page 16, line 24, delete "Provides" and insert **"Either:**

**(A) provides"**

Page 16, line 27, delete "." and insert **"; or"**.

Page 16, line 28, delete "(2) Has", begin a new line double block indented and insert:

**"(B) has"**

Page 16, line 31, delete ", as a condition of membership." and insert **"in massage therapy."**

Page 16, line 32, delete "(3)" and insert **"(2)"**.

Page 17, line 1, delete "June 30, 2007," and insert **"January 1, 2009,"**

Page 17, line 4, delete "IC 25-21.8-5-3" and insert **"IC 25-21.8-5-2"**

Page 17, line 7, delete "March" and insert **"July"**.

Page 17, line 18, after "Before" delete "July 1," and insert **"December 31,"**

Page 17, line 28, delete "IC 25-21.8-5-3(1)(D)" and insert **"IC 25-21.8-5-2(1)(D)"**.

(Reference is to SB 320 as printed February 23, 2007.)

MILLER

Motion prevailed. The bill was ordered engrossed.

### Senate Bill 323

Senator Miller called up Senate Bill 323 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

### Senate Bill 326

Senator Landske called up Senate Bill 326 for second reading. The bill was read a second time by title.

#### SENATE MOTION

(Amendment 326-1)

Madam President: I move that Senate Bill 326 be amended to read as follows:

Page 2, between lines 34 and 35, begin a new paragraph and insert:

**"Sec. 2. This chapter shall not apply to the inspection or servicing by a company of its own fire protection sprinkler systems by its own personnel who have knowledge of the installation, construction or operation of the systems."**

(Reference is to SB 326 as printed February 23, 2007.)

LANDSKE

Motion prevailed. The bill was ordered engrossed.

**Senate Bill 329**

Senator Lawson called up Senate Bill 329 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 335**

Senator Riegsecker called up Senate Bill 335 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 336**

Senator Riegsecker called up Senate Bill 336 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 339**

Senator Riegsecker called up Senate Bill 339 for second reading. The bill was read a second time by title.

SENATE MOTION  
(Amendment 339-3)

Madam President: I move that Senate Bill 339 be amended to read as follows:

Page 1, line 3, after "Sec. 18.5." insert "(a)".

Page 1, line 6, after "445110," insert "**445299 (gourmet food stores)**".

Page 1, between lines 14 and 15, begin a new paragraph and insert:

**"(b) The term does not include a store or part of a store that has the primary North American Industry Classification System (NAICS) classification 447190."**

Page 2, line 14, delete "Liquor" and insert "**Except as provided in subsection (d), liquor**".

Page 2, line 14, delete "separated from the" and insert ".".

Page 2, line 15, delete "area where nonalcoholic retail merchandise is displayed".

Page 2, line 17, delete "The designated area".

Page 2, delete lines 18 through 21, begin a new paragraph and insert:

**"(d) The holder of a liquor dealer's permit is not required to comply with subsection (c) if the holder of the liquor dealer's permit uses at least one (1) of the following security measures:**

**(1) The liquor is displayed behind a retail counter or in a locked display case.**

**(2) Each bottle of liquor for sale on the licensed premises has a security cap if the bottle of liquor is capable of having a security cap.**

**(3) The liquor is displayed adjacent to a drug store counter.**

**(4) The area in which the liquor is displayed is under video surveillance."**

Page 2, line 22, delete "(d)" and insert "(e)".

Page 2, line 31, delete "(e)" and insert "(f)".

Page 2, between lines 36 and 37, begin a new paragraph and insert:

**"SECTION 4. IC 7.1-3-19-10.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS**

**[EFFECTIVE JULY 1, 2007]: Sec. 10.5. (a) Upon application for a new permit or transfer of a location of an existing permit, the commission shall investigate the desirability of the permit in regard to the potential geographical location of the permit.**

**(b) In investigating the desirability of the permit under subsection (a), the commission may consider the following:**

**(1) The need for the services at the requested location of the permit.**

**(2) The desire of the neighborhood or the community to receive the services.**

**(3) The impact of the services on other business in the neighborhood or community.**

**(4) The impact of the services on the neighborhood or community.**

SECTION 5. IC 7.1-3-21-3, AS AMENDED BY P.L.165-2006, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. The commission shall not issue:

(1) an alcoholic beverage retailer's ~~or dealer's~~ permit of any type; or

(2) a liquor wholesaler's permit;

to a person who has not been a continuous and bona fide resident of Indiana for five (5) years immediately preceding the date of the application for a permit.

SECTION 6. IC 7.1-3-21-4, AS AMENDED BY P.L.165-2006, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. The commission shall not issue:

(1) a liquor wholesaler's permit; or

(2) an alcoholic beverage retailer's ~~or dealer's~~ permit;

of any type to a partnership unless each member of the partnership possesses the same qualifications as those required of an individual applicant for that particular type of permit.

SECTION 7. IC 7.1-3-21-5, AS AMENDED BY P.L.165-2006, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) The commission shall not issue:

(1) an alcoholic beverage retailer's ~~or dealer's~~ permit of any type; or

(2) a liquor wholesaler's permit;

to a corporation unless sixty percent (60%) of the outstanding common stock is owned by persons who have been continuous and bona fide residents of Indiana for five (5) years.

(b) The commission shall not issue a liquor wholesaler's permit to a corporation unless at least one (1) of the stockholders shall have been a resident, for at least one (1) year immediately prior to making application for the permit, of the county in which the licensed premises are to be situated.

(c) Each officer and stockholder of a corporation shall possess all other qualifications required of an individual applicant for that particular type of permit.

SECTION 8. IC 7.1-3-21-5.2, AS AMENDED BY P.L.165-2006, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5.2. (a) The commission shall not issue:

(1) an alcoholic beverage retailer's ~~or dealer's~~ permit of any type; or

(2) a liquor wholesaler's permit;  
to a limited partnership unless at least sixty percent (60%) of the partnership interest is owned by persons who have been continuous and bona fide residents of Indiana for five (5) years.

(b) The commission shall not issue a liquor wholesaler's permit to a limited partnership unless for at least one (1) year immediately before making application for the permit, at least one (1) of the persons having a partnership interest has been a resident of the county in which the licensed premises are to be situated.

(c) Each general partner and limited partner of a limited partnership must possess all other qualifications required of an individual applicant for that particular type of permit.

SECTION 9. IC 7.1-3-21-5.4, AS AMENDED BY P.L.165-2006, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5.4. (a) The commission shall not issue:

(1) an alcoholic beverage retailer's ~~or dealer's~~ permit of any type; or

(2) a liquor wholesaler's permit;  
to a limited liability company unless at least sixty percent (60%) of the membership interest is owned by persons who have been continuous and bona fide residents of Indiana for five (5) years.

(b) The commission shall not issue a liquor wholesaler's permit to a limited liability company unless for at least one (1) year immediately before making application for the permit, at least one (1) of the persons having a membership interest has been a resident of the county in which the licensed premises are to be situated.

(c) Each manager and member of a limited liability company must possess all other qualifications required of an individual applicant for that particular type of permit.

SECTION 10. IC 7.1-3-21-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) The provisions of sections 4, 5, 5.2, and 5.4 of this chapter concerning retail ~~and dealer~~ partnerships, corporations, limited partnerships, and limited liability companies shall not apply to the issuance of:

- (1) a dining car permit;
- (2) ~~a~~ boat permit;
- (3) ~~a~~ drug store permit;
- (4) ~~a~~ grocery store permit;
- (5) ~~a~~ hotel permit;
- (6) ~~an~~ airplane permit;
- (7) an excursion and adjacent landsite permit;
- (8) a horse track permit;
- (9) a satellite facility permit; or
- (10) a retail permit to an establishment:

(A) that is sufficiently served by adequate law enforcement at its permit location; and

(B) whose annual gross food sales at the permit location:  
(i) exceed one hundred thousand dollars (\$100,000); or  
(ii) in the case of a new application and as proved by the applicant to the local board and the commission, will exceed two hundred thousand dollars (\$200,000) by the end of the two (2) year period from the date of the issuance of the permit.

(b) The commission shall not issue a permit listed in subsection (a) to a foreign:

- (1) corporation;

(2) limited partnership; or  
(3) limited liability company;  
that is not duly qualified to do business in Indiana."

Page 2, delete lines 37 through 42, begin a new paragraph and insert:

"SECTION 11. IC 7.1-3-22-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. ~~Dealers' Permits Limited:~~ (a) The commission may grant: ~~only~~

(1) one (1) beer dealer's permit in an:

(A) incorporated city or town that has a population of less than fifteen thousand one (15,001); or

(B) unincorporated town;

for each one thousand five hundred (1,500) persons, or fraction thereof, within the incorporated city or town described in clause (A) or the unincorporated town;

(2) in an incorporated city or town that has a population of more than fifteen thousand (15,000) but less than eighty thousand (80,000):

(A) one (1) beer dealer's permit for each three thousand (3,000) persons, or a fraction thereof; or

(B) ten (10) beer dealer's permits;

whichever is greater, within the incorporated city or town;

(3) in an incorporated city or town that has a population of at least eighty thousand (80,000):

(A) one (1) beer dealer's permit for each five thousand (5,000) persons, or a fraction thereof; or

(B) twenty-seven (27) beer dealer's permits;

whichever is greater, within the incorporated city or town;"

Page 3, line 1, delete "unincorporated town;"

Page 3, line 2, delete "(2)" and insert "(4) one (1)".

Page 3, line 7, delete "or liquor dealer's permit".

Page 3, line 8, delete "or liquor dealer".

Page 3, delete lines 12 through 37.

Page 5, after line 12, begin a new paragraph and insert:

"(d) All civil penalties collected under this section shall be deposited in the alcohol and tobacco commission's enforcement and administration fund under IC 7.1-4-10."

Renumber all SECTIONS consecutively.

(Reference is to SB 339 as printed February 23, 2007.)

RIEGSECKER

The Chair ordered a division of the Senate. Yeas 25, nays 19.

Motion prevailed. The bill was ordered engrossed.

### Senate Bill 353

Senator Steele called up Senate Bill 353 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

### Senate Bill 358

Senator Heinold called up Senate Bill 358 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 371**

Senator Simpson called up Senate Bill 371 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 372**

Senator Simpson called up Senate Bill 372 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 377**

Senator Becker called up Senate Bill 377 for second reading. The bill was read a second time by title.

SENATE MOTION  
(Amendment 377-1)

Madam President: I move that Senate Bill 377 be amended to read as follows:

Page 2, between lines 2 and 3, begin a new paragraph and insert: "SECTION 2. IC 25-34.1-2-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 7. (a) Except as provided in subsection (b), all funds collected under this article shall, at the end of each month, be reported to the auditor of state and deposited with the treasurer of state for deposit in the general fund. All expenses incurred in the administration of this article shall be paid from the general fund.**

(b) The commission shall establish a fee of not more than twenty dollars (\$20) for real estate brokers and salespersons to provide funds for the purpose of administering and enforcing the provisions of this article, including investigating and taking enforcement action against real estate fraud and real estate appraisal fraud. All funds collected under this subsection shall be deposited in the investigative fund established by IC 25-34.1-8-7.5."

Page 3, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 4. IC 25-34.1-3-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 9.5. (a) The commission shall establish fees under IC 25-1-8-2 to implement section 8 of this chapter.**

(b) Notwithstanding IC 25-1-8-2, a fee established under IC 25-1-8-2 to implement section 8 of this chapter may not be less than fifty dollars (\$50).

(c) The commission shall establish fees to provide funding for the investigative fund established by IC 25-34.1-8-7.5. The fees under this subsection may not be more than twenty dollars (\$20).

(d) The board may collect a fee required by federal law and transmit the fees to the federal government as required by federal law.

(e) A fee described in subsection (a) is in addition to any fees required by federal law."

Page 3, between lines 32 and 33, begin a new paragraph and insert:

"SECTION 6. IC 25-34.1-8-7.5, AS AMENDED BY

P.L.87-2006, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 7.5. (a) The investigative fund is established to provide funds for administering and enforcing the provisions of this article, including investigating and taking enforcement action against real estate fraud and real estate appraisal fraud. The fund shall be administered by the attorney general and the professional licensing agency.**

(b) The expenses of administering the fund shall be paid from the money in the fund. The fund consists of money from a fee imposed upon licensed or certified appraisers and real estate brokers and salespersons under ~~IC 25-34.1-2-6~~ and ~~IC 25-34.1-3-9~~; **IC 25-34.1-2-7 and IC 25-34.1-3-9.5.**

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(d) Except as otherwise provided in this subsection, money in the fund at the end of a state fiscal year does not revert to the state general fund. If the total amount in the investigative fund exceeds seven hundred fifty thousand dollars (\$750,000) at the end of a state fiscal year after payment of all claims and expenses, the amount that exceeds seven hundred fifty thousand dollars (\$750,000) reverts to the state general fund.

(e) Money in the fund is continually appropriated for use by the attorney general and the licensing agency to administer and enforce the provisions of this article and to conduct investigations and take enforcement action against real estate and appraisal fraud under this article. The attorney general shall receive five dollars (\$5) of each fee collected under ~~IC 25-34.1-2-6~~ and ~~IC 25-34.1-3-9~~; **IC 25-34.1-2-7 and IC 25-34.1-3-9.5**, and the licensing agency shall receive any amount that exceeds five dollars (\$5) of each fee collected under ~~IC 25-34.1-2-6~~ and ~~IC 25-34.1-3-9~~; **IC 25-34.1-2-7 and IC 25-34.1-3-9.5."**

Page 5, line 8, before "IC 25-34.1-8-14;" insert "**IC 25-34.1-2-6; IC 25-34.1-3-9;**"

Renumber all SECTIONS consecutively.

(Reference is to SB 377 as printed February 23, 2007.)

RIEGSECKER

Motion prevailed. The bill was ordered engrossed.

**Senate Bill 396**

Senator Weatherwax called up Senate Bill 396 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 400**

Senator Ford called up Senate Bill 400 for second reading. The bill was reread a second time by title.

SENATE MOTION  
(Amendment 400-2)

Madam President: I move that Senate Bill 400 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-28-27-3, AS ADDED BY P.L.202-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2007]: Sec. 3. (a) The skills 2016 training fund is established to do the following:

- (1) Administer the costs of the skills 2016 training program established under IC 22-4-10.5.
- (2) Undertake any program or activity that furthers the purposes of IC 22-4-10.5.
- (3) Refund skills 2016 training assessments erroneously collected and deposited in the fund.

(b) **Except as provided in IC 22-4.1-17**, the money in the fund shall be allocated as follows:

- (1) An amount to be determined annually shall be set aside for the payment of refunds from the fund.
- (2) The remainder of the money in the fund shall be allocated to employers or consortiums for incumbent worker training grants that enable workers to obtain recognizable credentials or certifications and transferable employment skills that improve employer competitiveness.

(c) Special consideration shall be given to the state educational institution established under IC 20-12-61 to be the provider of the training funded under this chapter whenever the state educational institution:

- (1) meets the identified training needs of an employer or a consortium with an existing credentialing or certification program; and
- (2) is the most cost effective provider.

(d) For the incumbent worker training grants described in subsection (b), the department of workforce development shall do the following:

- (1) Provide grant applications to interested employers and consortiums.
- (2) Accept completed applications for the grants.
- (3) Obtain all information necessary or appropriate to determine whether an applicant qualifies for a grant, including information concerning:
  - (A) the applicant;
  - (B) the training to be offered;
  - (C) the training provider; and
  - (D) the workers to be trained.
- (4) Prepare summaries or other reports to assist the secretary of commerce in reviewing the grant applications.

(e) The department of workforce development shall forward the grant applications and other information collected or received by the department under subsection (d) to the secretary of commerce who shall allocate the money in the fund in accordance with subsections (b) and (c), after considering the information provided by the department of workforce development.

(f) The corporation shall enter into an agreement with the department of workforce development for the department of workforce development to administer the fund using money appropriated from the fund.

(g) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(h) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(i) The fund consists of the following:

- (1) Assessments deposited in the fund.

(2) Earnings acquired through the use of money belonging to the fund.

(3) Money deposited in the fund from any other source.

(4) Interest and penalties collected.

(j) Any balance in the fund does not lapse but is available continuously to the corporation for expenditures for the program established under IC 22-4-10.5 consistent with this chapter, after considering any information concerning an expenditure provided by the department of workforce development."

Page 1, line 2, after "EFFECTIVE" insert "JANUARY 1, 2007 (RETROACTIVE)]:".

Page 1, delete line 3.

Page 2, delete lines 21 through 23, begin a new paragraph and insert:

**"(b) For each specified state fiscal year, the department of workforce development may award not more than the following amounts of tax credits under this chapter:**

**(1) For the state fiscal year beginning July 1, 2007, five million dollars (\$5,000,000).**

**(2) For the state fiscal year beginning July 1, 2008, the sum of:**

**(A) two million five hundred thousand dollars (\$2,500,000); plus**

**(B) the amount by which the subdivision (1) amount exceeds the amount of tax credits that the department awards under this chapter during the state fiscal year beginning July 1, 2007."**

Page 2, between lines 30 and 31, begin a new paragraph and insert:

**"(d) The department of workforce development shall process employer applications for an award of credits under this chapter in the order the applications are received. If the department of workforce development determines that an employer applicant meets the qualifications developed under subsection (c)(1), the department of workforce development shall immediately certify the employer for an award of credits in accordance with section 9 of this chapter."**

Page 4, line 22, delete "shall" and insert "may".

Page 4, between lines 26 and 27, begin a new paragraph and insert:

**"SECTION 3. IC 22-4-14-2, AS AMENDED BY P.L.108-2006, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) An unemployed individual is eligible to receive benefits with respect to any week only if the individual has:**

**(1) registered for work at an employment office or branch thereof or other agency designated by the commissioner within the time limits that the department by rule adopts; and**

**(2) subsequently reported with the frequency and in the manner, either in person or in writing, that the department by rule adopts; and**

**(3) complied with IC 22-4.1-17.**

(b) Failure to comply with subsection (a) shall be excused by the commissioner or the commissioner's authorized representative upon a showing of good cause therefor. The department shall by rule waive or alter the requirements of this section as to such types of cases or situations with respect to which the department finds that compliance with such requirements would be oppressive or would

be inconsistent with the purposes of this article.

(c) The department shall provide job counseling or training to an individual who remains unemployed for at least four (4) weeks. The manner and duration of the counseling shall be determined by the department.

(d) An individual who is receiving benefits as determined under IC 22-4-15-1(c)(8) is entitled to complete the reporting, counseling, or training that must be conducted in person at a one stop center selected by the individual. The department shall advise an eligible individual that this option is available.

SECTION 4. IC 22-4.1-17 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

**Chapter 17. Workforce Skill Advancement Project**

**Sec. 1.** As used in this chapter, "project" refers to the workforce skill advancement project established by section 5 of this chapter.

**Sec. 2.** As used in this chapter, "regional workforce board" has the meaning set forth in IC 22-4.5-2-9.7.

**Sec. 3.** As used in this chapter, "work keys" means a three (3) stage standardized employability skills assessment tool implemented by the department.

**Sec. 4.** As used in this chapter, "workforce investment board" has the meaning set forth in IC 22-4.5-2-13.5.

**Sec. 5. (a)** The workforce skill advancement project is established.

**(b)** The department shall administer the project.

**(c)** The project includes the following components:

**(1)** Participation in an orientation to the one stop system and one stop partners. The orientation must include information about available jobs and the skills, certifications, and training necessary to qualify for the jobs.

**(2)** Completion of the work keys skills assessments for:

**(A)** reading for information;

**(B)** applied mathematics; and

**(C)** locating information.

**Sec. 6. (a)** Except as provided in section 8 of this chapter, if the department determines that an individual is eligible for unemployment insurance benefits under IC 22-4, the individual shall participate in the project.

**(b)** An individual who participates in the project shall participate in the skill remediation components for each skill area in which the individual's skill levels are deficient, as determined by the work keys skills assessment.

**(c)** An individual who applies for unemployment insurance and wants to work in a different occupational area than the area in which the individual was employed shall participate in a work keys skills assessment for the new occupational area. The individual shall participate in a skill remediation component for each occupational area in which the individual's skill levels are deficient, as determined by the work keys skills assessment.

**Sec. 7.** Each regional workforce board, together with local elected officials, shall develop a plan of short term training options, not to exceed six (6) weeks in length, and placement assistance to provide to individuals who participate in the

project. To the extent possible, a regional workforce board shall use existing remediation software and adult education programs for skill remediation under this chapter.

**Sec. 8. (a)** For purposes of this section, an individual is job attached if the individual:

**(1)** expects to be recalled to a job within twelve (12) weeks after becoming separated from employment; and

**(2)** is not required to contact other employers or register for work until after the expiration of twelve (12) weeks; as confirmed by the department with the individual's employer.

**(b)** An individual who:

**(1)** is eligible for unemployment insurance as determined by the department; and

**(2)** is not job attached;

shall participate in the project unless the individual is exempt under subsection (c).

**(c)** The department, in consultation with the workforce investment boards and the regional workforce boards, shall develop a policy under which an individual described in subsection (b) is exempt from participation in the project if the individual's participation poses a hardship to the individual. A hardship may include the following:

**(1)** There is a lack of training provided within a reasonable distance from the individual's residence or most recent worksite.

**(2)** The individual has already been assessed and remediated by means of a suitable assessment tool, as determined by the department.

**(3)** The individual possesses basic work skills that department and the regional workforce board determine are in demand.

**(4)** There are insufficient funds to provide training.

**(d)** An individual who is:

**(1)** job attached; and

**(2)** temporarily laid off;

may participate in the project at the discretion of the regional workforce board.

**Sec. 9. (a)** An individual who is required to participate in the project but fails to begin participation is ineligible for unemployment insurance benefits for the week in which the individual's participation is scheduled to begin and for each following week until the individual begins participation in the project.

**(b)** The department shall make a determination that an individual is ineligible for unemployment insurance benefits under subsection (a) in accordance with IC 22-4-17.

**Sec. 10.** The department, workforce investment boards, and regional workforce boards shall fund the project with set asides from the existing funds available from the following sources:

**(1)** Wagner-Peyser Act (29 U.S.C. 49 et seq.).

**(2)** Workforce Investment Act (29 U.S.C. 2801 et seq.).

**(3)** Skills 2016 training fund established by IC 5-28-27-3.

The general assembly shall determine the amount of funding from each source.

**Sec. 11. (a)** Not later than June 1 of each year, each regional workforce board shall report to the department in an electronic format on the status of the regional workforce board's programs under this chapter.

(b) Not later than July 1 of each year, the department shall compile the reports submitted under subsection (a) and submit the compilation in an electronic format under IC 5-14-6 to the general assembly.

**Sec. 12. The department may adopt rules under IC 4-22-2 to fulfill its duties and obligations under this chapter."**

Page 4, between lines 36 and 37, begin a new paragraph and insert:

"SECTION 6. [EFFECTIVE JANUARY 1, 2007 (RETROACTIVE)] **IC 6-3.1-31, as added by this act, applies to taxable years beginning after December 31, 2006."**

Renumber all SECTIONS consecutively.

(Reference is to SB 400 as printed February 9, 2007.)

FORD

Motion prevailed. The bill was ordered engrossed.

#### Senate Bill 401

Senator Dillon called up Senate Bill 401 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Senate Bill 403

Senator Dillon called up Senate Bill 403 for second reading. The bill was read a second time by title.

#### SENATE MOTION

(Amendment 403-2)

Madam President: I move that Senate Bill 403 be amended to read as follows:

Page 2, line 18, after "Sec. 6." insert **"(a) For purposes of this section, "reviewing the account" includes activities related to account maintenance, monitoring, credit line increases, and account upgrades and enhancements.**

**(b)".**

Page 2, line 24, delete "A creditor of the consumer, including an assignee or a" and insert **"A person, or the person's subsidiary, affiliate, agent, assignee, or prospective assignee with which the consumer has or, before the assignment, had an account, contract, or debtor-creditor relationship, for reviewing the account or collecting the financial obligation owing for the account, contract, or debt."**

Page 2, delete lines 25 through 26.

Page 2, after line 42, begin a new paragraph and insert:

**"(c) A security freeze on a consumer's consumer report does not prohibit the consumer reporting agency from providing the consumer report:**

- (1) for purposes of prescreening, as provided in the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.); or**
- (2) from a consumer reporting agency's data base or file that consists entirely of information concerning, and is used solely for, one (1) or more of the following:**

- (A) Criminal record history information.**
- (B) Personal loss history information.**
- (C) Fraud prevention or detection.**
- (D) Tenant screening.**
- (E) Employment screening."**

Page 5, line 10, delete ", during normal".

Page 5, line 11, delete "business hours,".

Page 6, line 41, delete "the police report" and insert **"a complaint filed with a law enforcement agency"**.

(Reference is to SB 403 as printed February 23, 2007.)

DILLON

Motion prevailed.

#### SENATE MOTION

(Amendment 403-3)

Madam President: I move that Senate Bill 403 be amended to read as follows:

Page 8, delete lines 14 through 15, begin a new paragraph and insert: **(c) Any person who fails to comply with any requirement imposed under this chapter with respect to any consumer is liable to that consumer in an amount equal to the sum of:**

**(1) Any actual damages sustained by the consumer as a result of the failure but not less than five hundred dollars (\$500) and no more than six thousand dollars (\$6000); and**

**(2) Such amount of punitive damages as the court may allow; and**

**(3) In the case of any successful action to enforce any liability under this section, the costs of the action together with reasonable attorney fees as determined by the court.**

**(d) Any person who obtains a consumer report, requests a security freeze, requests a temporary lift of a freeze, or the removal of a security freeze from a consumer reporting agency under false pretenses or in an attempt to violate federal or state law shall be liable to the consumer reporting agency for actual damages sustained by the consumer up to a maximum of six thousand dollars (\$6000).**

(Reference is to SB 403 as printed February 23, 2007.)

TALLIAN

Motion prevailed. The bill was ordered engrossed.

#### Senate Bill 431

Senator Gard called up Senate Bill 431 for second reading. The bill was read a second time by title.

#### SENATE MOTION

(Amendment 431-3)

Madam President: I move that Senate Bill 431 be amended to read as follows:

Page 2, between lines 36 and 37, begin a new paragraph and insert:

**"SECTION 3. IC 13-11-2-129.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 129.9. "Modification", for purposes of IC 13-18-10, refers to an expansion of a confined feeding operation or concentrated animal feeding operation that results in either of the following:**

**(1) An increase in the confined animal capacity.**

**(2) An increase in the liquid manure storage capacity.**

**SECTION 4. IC 13-11-2-164 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 164. (a) "Political subdivision", for purposes of IC 13-18-13, means:**



- (1) a political subdivision (as defined in IC 36-1-2);
- (2) a regional water, sewage, or solid waste district organized under:

- (A) IC 13-26; or

- (B) IC 13-3-2 (before its repeal July 1, 1996); or

- (3) a local public improvement bond bank organized under IC 5-1.4.

(b) "Political subdivision", for purposes of IC 13-18-10 and IC 13-18-21, means:

- (1) a political subdivision (as defined in IC 36-1-2);

- (2) a regional water, sewage, or solid waste district organized under:

- (A) IC 13-26; or

- (B) IC 13-3-2 (before its repeal July 1, 1996);

- (3) a local public improvement bond bank organized under IC 5-1.4;

- (4) a qualified entity described in IC 5-1.5-1-8(4) that is a public water utility described in IC 8-1-2-125; or

- (5) a conservancy district established for the purpose set forth in IC 14-33-1-1(a)(4).

(c) "Political subdivision", for purposes of IC 13-19-5, has the meaning set forth in IC 36-1-2-13 and includes a redevelopment district under IC 36-7-14 or IC 36-7-15.1."

Page 4, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 7. IC 13-18-10-0.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 0.4. (a) The department and the boards have sole regulatory authority for the protection of the following with respect to confined feeding operations and CAFOs:**

**(1) Human health.**

**(2) The environment.**

**(b) A political subdivision has regulatory authority for confined feeding operations and CAFOs only with respect to the following:**

**(1) Land use.**

**(2) Zoning."**

Page 4, line 16, delete "JANUARY 1, 2008]:" and insert "JULY 1, 2007]:".

Page 4, line 17, after "construction" insert "**or modification**".

Page 5, line 5, delete "to which either of the following" and insert "**that:**

**(i) constitute a material violation of a state or federal environmental law or regulation; and**

**(ii) present a substantial endangerment to human health or the environment."**

Page 5, delete lines 6 through 10.

Page 5, line 19, delete "to which either of the following" and insert "**that:**

**(i) constitute a material violation of a state or federal environmental law or regulation; and**

**(ii) present a substantial endangerment to human health or the environment."**

Page 5, delete lines 20 through 24.

Page 5, line 37, after "construction" insert "**or modification**".

Page 6, line 17, delete "A" and insert "**Except as provided in subsection (f), a**".

Page 6, line 25, after "issued" insert ", **or to modify a confined feeding operation or a CAFO,**".

Page 6, line 29, delete ";" and insert "**or modified;**".

Page 6, line 32, after "located" insert "**or modified**".

Page 6, line 35, delete ";" and insert "**or modified;**".

Page 6, after line 42, begin a new paragraph and insert:"

**(c) A person must comply with subsection (d) if:**

**(1) the person is not required to file an application as provided in section 1(b) of this chapter for construction of a CAFO:**

**(A) on land that is undeveloped; or**

**(B) for which:**

**(i) a valid existing approval has not been issued; or**

**(ii) an NPDES permit has not been obtained;**

**or for modification of a CAFO; and**

**(2) the person files:**

**(A) an application under 327 IAC 5 for an individual NPDES permit for the construction or modification of a CAFO; or**

**(B) a notice of intent under 327 IAC 15 for general NPDES permit coverage for construction or modification of a CAFO.**

**(d) A person referred to in subsection (c) shall make a reasonable effort to provide notice:**

**(1) to:**

**(A) each person who owns land that adjoins the land on which the CAFO is to be located or modified; or**

**(B) if a person who owns land that adjoins the land on which the CAFO is to be located or modified does not occupy the land, all occupants of the land; and**

**(2) to the county executive of the county in which the CAFO is to be located or modified;**

**not more than ten (10) working days after submitting an application or filing a notice of intent. The notice must be sent by mail, be in writing, include the date on which the application or notice of intent was submitted to or filed with the department, and include a brief description of the subject of the application or notice of intent. The person shall pay the cost of complying with this subsection. The person shall submit an affidavit to the department that certifies that the person has complied with this subsection.**

**(e) The department shall:**

**(1) publish under IC 5-3-1 notice of:**

**(A) an application submitted under:**

**(i) subsection (a); or**

**(ii) subsection (c)(2)(A); or**

**(B) a notice of intent filed under subsection (c)(2)(B); and**

**(2) publish the notice required under subdivision (1):**

**(A) in the newspaper of general circulation with the largest circulation in the county in which the confined feeding operation or CAFO is to be located or modified; and**

**(B) one (1) time not more than ten (10) working days after the date of:**

**(i) submission of the application; or**

**(ii) filing of the notice of intent.**

(f) The fee for a modification of a confined feeding operation or CAFO is the fee determined by rule by the department as a percentage of the fee established in subsection (a)(5) determined to account for the magnitude of the modification as compared to the magnitude of the original construction."

Page 7, line 1, strike "(c)" and insert "(g)".

Page 10, line 39, after "payable" insert "annually".

Page 10 line 41, delete "indicated number of animals:" and insert "following amount for each category under subsection (b) based on the number of each type of confined animal:

Category A	\$100
Category B	\$200
Category C	\$800
Category D	\$1,500

(b) The categories for purposes of subsection (a) are as follows:

	Category A	Category B
Mature cows	300 to 499	500 to 699
Other cattle	300 to 699	700 to 999
Swine at least 55 lbs	600 to 999	1,000 to 2,499
Swine less than 55 lbs	600 to 4,999	5,000 to 9,999
Chickens	30,000 to 74,999	75,000 to 124,999
Turkeys	30,000 to 39,999	40,000 to 54,999
Ducks	30,000 to 59,999	60,000 to 99,999
Sheep	600 to 4,999	5,000 to 9,999
Horses	not applicable	not applicable
	Category C	Category D
Mature cows	700 to 1,999	at least 2,000
Other cattle	1,000 to 2,999	at least 3,000
Swine at least 55 lbs	2,500 to 7,499	at least 7,500
Swine less than 55 lbs	10,000 to 19,999	at least 20,000
Chickens	125,000 to 399,999	at least 400,000
Turkeys	55,000 to 174,999	at least 175,000
Ducks	100,000 to 299,999	at least 300,000
Sheep	10,000 to 19,999	at least 20,000
Horses	500 to 999	at least 1,000

(c) A confined feeding operation that:

(1) provides confined feeding for a number of animals less than the minimum number of animals stated in IC 13-11-2-40(1); and

(2) is a confined feeding operation as a result of meeting the criteria in IC 13-11-2-40(2) or IC 13-11-2-40(3);

is subject to the annual fee prescribed in subsections (a) and (b) for Category A."

Page 10, delete line 42.

Page 11, delete lines 1 through 24.

Page 11, line 25, delete "(b)" and insert "(d)".

Page 11, line 27, delete "Subsection (a)." and insert "This section."

Page 12, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 21. [EFFECTIVE UPON PASSAGE] The department of environmental management shall adopt temporary rules in the manner provided for the adoption of emergency rules under IC 4-22-2-37.1 to establish fees under IC 13-18-10-2(f), as added by this act. A temporary rule adopted under this subsection expires on the earliest of the

following:

(1) The date that the department of environmental management adopts another temporary rule under this SECTION that repeals, amends, or supersedes the previously adopted temporary rule.

(2) The date that the department of environmental management adopts a permanent rule that repeals, amends, or supersedes the previously adopted temporary rule.

(3) The date specified in the temporary rule.

(4) December 31, 2008."

Page 12, after line 41, begin a new paragraph and insert:

"SECTION 23. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to SB 431 as printed February 21, 2007.)

GARD

Motion prevailed.

#### SENATE MOTION

(Amendment 431-2)

Madam President: I move that Senate Bill 431 be amended to read as follows:

Page 4, line 16, delete "JANUARY 1, 2008]:" and insert "JULY 1, 2007]:".

Page 12, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 18. [EFFECTIVE UPON PASSAGE] (a) This SECTION applies notwithstanding the effective date of:

(1) IC 13-18-10-1.5 and IC 13-18-10-2.4, both as added by this act; and

(2) the amendments under this act to IC 13-11-2-8, IC 13-11-2-191, IC 13-18-10-1, IC 13-18-10-2, IC 13-18-10-2.1, and IC 13-18-10-2.2.

(b) The definitions in IC 13-11-2 apply in this SECTION.

(c) Subject to subsection (d), the Indiana Code sections referred to in subsection (a), as added or amended by this act, apply to the following confined feeding operations and CAFOs in the same manner those sections would have applied if those sections had been in effect on the date the application for the confined feeding operation or CAFO was submitted to the department of environmental management or the notice of intent for general NPDES permit coverage for the CAFO was filed with the department:

(1) A confined feeding operation or CAFO for which a person is required to submit an application to the department for approval under IC 13-18-10-1(a), as amended by this act.

(2) A CAFO for which a person is required to submit an application to the department for approval of an individual NPDES permit for the CAFO under 327 IAC 5.

(3) A CAFO for which a person is required to file a notice of intent under 327 IAC 15 for general NPDES permit coverage for the CAFO.

(d) Subsection (c) applies only if:

(1) an application referred to in subsection (c) was not approved by the department of environmental management before the effective date of this SECTION;

or

(2) the date of submission of a notice of intent referred to in subsection (c) is on or after the effective date of this SECTION."

Page 12, after line 41, begin a new paragraph and insert:

"SECTION 20. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 431 as printed February 21, 2007.)

MEEKS

Motion prevailed. The bill was ordered engrossed.

#### SENATE MOTION

Madam President: I move that Senators Lanane, Tallian, and Drozda be added as coauthors of Senate Bill 403.

DILLON

Motion prevailed.

#### SENATE MOTION

Madam President: I move that Senator Simpson be added as second author of Engrossed Senate Bill 329.

LAWSON

Motion prevailed.

#### SENATE MOTION

Madam President: I move that Senator Simpson be added as second author of Engrossed Senate Bill 150.

LAWSON

Motion prevailed.

#### SENATE MOTION

Madam President: I move that Senator Lawson be added as second author of Engrossed Senate Bill 372.

SIMPSON

Motion prevailed.

#### SENATE MOTION

Madam President: I move that Senator R. Young be added as coauthor of Engrossed Senate Bill 323.

MILLER

Motion prevailed.

#### SENATE MOTION

Madam President: I move that Senators Alting, Boots, Bowser, Bray, Breaux, Broden, Delph, Dillon, Drozda, Errington, Ford, Gard, Heinold, Hershman, Howard, Jackman, Kenley, Kruse, Lanane, Landske, Lawson, Lewis, Long, Lubbers, Meeks, Merritt, Miller, Mishler, Mrvan, Nugent, Paul, Riegsecker, Rogers, Simpson, Sipes, Skinner, Smith, Steele, Tallian, Walker, Waltz, Waterman, Weatherwax, Wyss, M. Young, R. Young, and Zakas be

added as coauthors of Senate Concurrent Resolution 25.

DEIG

Motion prevailed.

#### SENATE MOTION

Madam President: I move that Senator Lubbers be added as coauthor of Senate Bill 108.

LANANE

Motion prevailed.

#### SENATE MOTION

Madam President: I move that Senator Rogers be added as coauthor of Senate Bill 529.

JACKMAN

Motion prevailed.

#### SENATE MOTION

Madam President: I move that Senator R. Young be added as second author of Senate Bill 250.

JACKMAN

Motion prevailed.

#### SENATE MOTION

Madam President: I move that Senator Riegsecker be added as second author of Senate Bill 377.

BECKER

Motion prevailed.

#### SENATE MOTION

Madam President: I move that Senators Becker, Breaux, and Steele be added as coauthors of Senate Bill 371.

SIMPSON

Motion prevailed.

#### SENATE MOTION

Madam President: I move that Senator Alting be added as second author of Senate Bill 339.

RIEGSECKER

Motion prevailed.

### SENATE BILLS ON SECOND READING

*Pursuant to prior authorization from Senator Wyss, Senator R. Young called up Senate Bill 435 for Second Reading.*

#### Senate Bill 435

Senator R. Young called up Senate Bill 435 for second reading. The bill was read a second time by title. There being no

amendments, the bill was ordered engrossed.

#### Senate Bill 445

Senator Broden called up Senate Bill 445 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Senate Bill 448

Senator Paul called up Senate Bill 448 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Senate Bill 458

Senator Dillon called up Senate Bill 458 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Senate Bill 486

Senator Steele called up Senate Bill 486 for second reading. The bill was read a second time by title.

#### SENATE MOTION (Amendment 486-2)

Madam President: I move that Senate Bill 486 be amended to read as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 15-2.1-18-24 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 24. (a) As used in this section, "NAIS" refers to the USDA's National Animal Identification System or any component thereof, including:**

- (1) premises or property identification by numbers (Stage I);**
- (2) animal identification (Stage II); and**
- (3) tracking or surveillance of domesticated animals (Stage III).**

**(b) As used in this section, "USDA" refers to the United States Department of Agriculture, and any successor agency within the federal government.**

**(c) The state may not require participation in the livestock identification (Stage II) or tracking components (Stage III) of the USDA's National Animal Identification System.**

**(d) The state may not withhold indemnity as provided under section 14 of this chapter if a person does not participate in NAIS.**

(Reference is to SB 486 as printed February 21, 2007.)

HERSHMAN

Motion prevailed. The bill was ordered engrossed.

#### Senate Bill 501

Senator Kenley called up Senate Bill 501 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Senate Bill 508

Senator Steele called up Senate Bill 508 for second reading. The bill was read a second time by title.

#### SENATE MOTION (Amendment 508-4)

Madam President: I move that Senate Bill 508 be amended to read as follows:

Page 3, line 21, after "is" insert "**designed**".

Page 3, line 22, delete "designed".

Page 3, line 23, delete "and".

Page 3, line 24, delete "capable of delivering a lethal electrical shock." and insert "**to deliver a debilitating shock upon initial contact with the fence; and**".

Page 3, between lines 24 and 25, begin a new line block indented and insert:

**"(3) to be capable of delivering a lethal electrical shock upon second contact with the fence."**

(Reference is to SB 508 as printed February 20, 2007.)

STEELE

Motion prevailed.

#### SENATE MOTION (Amendment 508-1)

Madam President: I move that Senate Bill 508 be amended to read as follows:

Page 3, line 24, delete "lethal" and insert "**non-lethal but debilitating**".

(Reference is to SB 508 as printed February 20, 2007.)

LANANE

The Chair ordered a division of the Senate. Yeas 16, nays 26.

Motion failed.

#### SENATE MOTION (Amendment 508-2)

Madam President: I move that Senate Bill 508 be amended to read as follows:

Page 4, line 1, after "facility" insert "**and who is attempting to escape**".

(Reference is to SB 508 as printed February 20, 2007.)

TALLIAN

Motion prevailed. The bill was ordered engrossed.

4:30 p.m.

The Chair declared a recess until the fall of the gavel.

#### Recess

The Senate reconvened at 6:17 p.m., with the President of the Senate in the Chair.

*Senator Wyss, who had been excused, was present.*

#### MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed House Bills 1044, 1197, 1470, 1471, 1477, 1478, 1480, 1481, 1484, 1489, 1525, 1622, 1717, and 1774 and the same are herewith transmitted to the Senate for further action.

CLINTON MCKAY  
Principal Clerk of the House

#### MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 17 and the same is herewith transmitted for further action.

CLINTON MCKAY  
Principal Clerk of the House

#### MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed House Bills 1500, 1538, 1555, 1581, 1595, 1617, 1657, 1728, 1731, and 1830 and the same are herewith transmitted to the Senate for further action.

CLINTON MCKAY  
Principal Clerk of the House

### SENATE BILLS ON SECOND READING

#### Senate Bill 520

Senator M. Young called up Senate Bill 520 for second reading. The bill was read a second time by title.

#### SENATE MOTION (Amendment 520-1)

Madam President: I move that Senate Bill 520 be amended to read as follows:

Page 3, after line 2, begin a new paragraph and insert:

SECTION 3. IC 5-2-6-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 20. (a) The institute shall:**

**(1) attempt to obtain federal funds to establish and operate a methamphetamine precursor data base pilot project under this section; and**

**(2) if the institute obtains sufficient federal funds under subdivision (1), operate and maintain the pilot project.**

**(b) A pilot project established under this section must connect persons who:**

**(1) sell a drug that contains the active ingredient of ephedrine or pseudoephedrine, or both; and**

**(2) record drug sales information in an electronic log under IC 35-48-4-14.7(c);**

**to an electronic monitoring system that transfers the drug sales information to a central data base at the same time the drug sales information is recorded in the electronic log. Drug sales information may be transferred to the central data base from**

**not more than six (6) counties under a pilot project established under this section.**

**(c) Only a law enforcement officer who has the right to inspect and copy a log or the records from the completion of a log under IC 35-48-4-14.7(c) may have access to information stored in the central data base described in subsection (b). A person may not sell or release information in the central data base for a commercial purpose.**

**(d) Information stored in a central data base established under this section must be retained until June 30, 2012.**

**(e) This section expires June 30, 2012.**

Page 6, after line 2, begin a new paragraph and insert:

SECTION 10. IC 35-48-4-14.7, AS AMENDED BY P.L.151-2006, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14.7. (a) This section does not apply to the following:

(1) Ephedrine or pseudoephedrine dispensed pursuant to a prescription.

(2) The sale of a drug containing ephedrine or pseudoephedrine to a licensed health care provider, pharmacist, retail distributor, wholesaler, manufacturer, or an agent of any of these persons if the sale occurs in the regular course of lawful business activities. However, a retail distributor, wholesaler, or manufacturer is required to report a suspicious order to the state police department in accordance with subsection (f).

(3) The sale of a drug containing ephedrine or pseudoephedrine by a person who does not sell exclusively to walk-in customers for the personal use of the walk-in customers. However, if the person described in this subdivision is a retail distributor, wholesaler, or manufacturer, the person is required to report a suspicious order to the state police department in accordance with subsection (f).

(b) The following definitions apply throughout this section:

(1) "Constant video monitoring" means the surveillance by an automated camera that:

(A) records at least one (1) photograph or digital image every ten (10) seconds;

(B) retains a photograph or digital image for at least seventy-two (72) hours;

(C) has sufficient resolution and magnification to permit the identification of a person in the area under surveillance; and

(D) stores a recorded photograph or digital image at a location that is immediately accessible to a law enforcement officer.

(2) "Convenience package" means a package that contains a drug having as an active ingredient not more than one hundred twenty (120) milligrams of ephedrine or pseudoephedrine, or both.

(3) "Ephedrine" means pure or adulterated ephedrine.

(4) "Pseudoephedrine" means pure or adulterated pseudoephedrine.

(5) "Suspicious order" means a sale or transfer of a drug containing ephedrine or pseudoephedrine if the sale or transfer:

(A) is a sale or transfer that the retail distributor, wholesaler, or manufacturer is required to report to the

United States Drug Enforcement Administration;

(B) appears suspicious to the retail distributor, wholesaler, or manufacturer in light of the recommendations contained in Appendix A of the report to the United States attorney general by the suspicious orders task force under the federal Comprehensive Methamphetamine Control Act of 1996; or

(C) is for cash or a money order in a total amount of at least two hundred dollars (\$200).

(6) "Unusual theft" means the theft or unexplained disappearance from a particular retail store of drugs containing ten (10) grams or more of ephedrine, pseudoephedrine, or both in a twenty-four (24) hour period.

(c) This subsection does not apply to a convenience package. A person may sell a drug that contains the active ingredient of ephedrine, pseudoephedrine, or both only if the person complies with the following conditions:

(1) The person does not sell the drug to a person less than eighteen (18) years of age.

(2) The person does not sell drugs containing more than three (3) grams of ephedrine or pseudoephedrine, or both in one (1) transaction.

(3) The person requires:

(A) the purchaser to produce a state or federal identification card;

(B) the purchaser to complete a paper or an electronic log in a format approved by the state police department with the purchaser's name, address, and driver's license or other identification number; and

(C) the clerk who is conducting the transaction to initial or electronically record the clerk's identification on the log.

Records from the completion of a log must be retained for at least two (2) years. A law enforcement officer has the right to inspect and copy a log or the records from the completion of a log in accordance with state and federal law. A person may not sell or release a log or the records from the completion of a log for a commercial purpose. The Indiana criminal justice institute may obtain information concerning a log or the records from the completion of a log from a law enforcement officer if the information may not be used to identify a specific individual and is used only for statistical purposes. A retailer who in good faith releases information maintained under this subsection is immune from civil liability unless the release constitutes gross negligence or intentional, wanton, or willful misconduct. This subdivision expires June 30, ~~2008~~ **2012**.

(4) The person stores the drug:

(A) behind a counter in an area inaccessible to a customer or in a locked display case that makes the drug unavailable to a customer without the assistance of an employee; or

(B) directly in front of the pharmacy counter in the direct line of sight of an employee at the pharmacy counter, in an area under constant video monitoring, if the drug is sold in a retail establishment that:

(i) is a pharmacy; or

(ii) contains a pharmacy that is open for business.

(d) A person may not purchase drugs containing more than three

(3) grams of ephedrine, pseudoephedrine, or both in one (1) week.

(e) This subsection only applies to convenience packages. A person may not sell drugs containing more than one hundred twenty (120) milligrams of ephedrine or pseudoephedrine, or both in any one (1) transaction if the drugs are sold in convenience packages. A person who sells convenience packages must secure the convenience packages in at least one (1) of the following ways:

(1) The convenience package must be stored not more than thirty (30) feet away from a checkout station or counter and must be in the direct line of sight of an employee at the checkout station or counter.

(2) The convenience package must be protected by a reliable anti-theft device that uses package tags and detection alarms designed to prevent theft.

(3) The convenience package must be stored in restricted access shelving that permits a purchaser to remove not more than one (1) package every fifteen (15) seconds.

(4) The convenience package must be stored in an area that is under constant video monitoring, and a sign placed near the convenience package must warn that the area is under constant video monitoring.

(f) A retail distributor, wholesaler, or manufacturer shall report a suspicious order to the state police department in writing.

(g) Not later than three (3) days after the discovery of an unusual theft at a particular retail store, the retailer shall report the unusual theft to the state police department in writing. If three (3) unusual thefts occur in a thirty (30) day period at a particular retail store, the retailer shall, for at least one hundred eighty (180) days after the date of the last unusual theft, locate all drugs containing ephedrine or pseudoephedrine at that particular retail store behind a counter in an area inaccessible to a customer or in a locked display case that makes the drug unavailable to customers without the assistance of an employee.

(h) A unit (as defined in IC 36-1-2-23) may not adopt an ordinance after February 1, 2005, that is more stringent than this section.

(i) A person who knowingly or intentionally violates this section commits a Class C misdemeanor. However, the offense is a Class A misdemeanor if the person has a prior unrelated conviction under this section.

(j) Before June 30, 2007, the state police department shall submit a report to the legislative council detailing the effectiveness of this section in reducing the illicit production of methamphetamine. The report must describe the number of arrests or convictions that are attributable to the identification and logging requirements contained in this section, and must include recommendations for future action. The report must be in an electronic format under IC 5-14-6.

Renumber all SECTIONS consecutively.

(Reference is to SB 520 as printed February 23, 2007.)

SKINNER

Motion prevailed. The bill was ordered engrossed.

## Senate Bill 525

Senator Hershman called up Senate Bill 525 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

## Senate Bill 529

Senator Jackman called up Senate Bill 529 for second reading. The bill was read a second time by title.

SENATE MOTION  
(Amendment 529-1)

Madam President: I move that Senate Bill 529 be amended to read as follows:

Page 1, line 4, delete "Standards" and insert "**Guidelines**".

Page 1, line 8, delete "for the standards set forth in section 11 of this" and insert "**as otherwise provided in the guidelines adopted by the division under section 9 of this chapter, "**".

Page 1, line 9, delete "chapter,".

Page 1, line 14, after "an" insert "**owner of an interest in property that:**

(1) **is located in Indiana; and**

(2) **meets one (1) or more of the conditions set forth in 18 CFR 157.6(d)(2)."**

Page 1, delete lines 15 through 17.

Page 2, delete line 1.

Page 2, between lines 16 and 17, begin a new paragraph and insert:

"Sec. 6. As used in this chapter, "division" refers to the pipeline safety division of the Indiana utility regulatory commission established by IC 8-1-22.5-2."

Page 2, line 17, delete "6." and insert "7."

Page 2, line 21, delete "7." and insert "8."

Page 2, delete lines 33 through 42, begin a new paragraph and insert:

"Sec. 9. (a) Not later than September 1, 2007, the division shall adopt guidelines governing the construction of a pipeline, or any segment of a pipeline, in Indiana. The guidelines adopted by the division under this section may include the following standards, to the extent not preempted by federal law:

(1) Standards specifying minimum depths at which a pipeline must be buried based on the topography and use of the land. In adopting any standards to establish burial depths for pipeline that crosses agricultural land, the division may specify depths that are appropriate for the land based on whether the land:

(i) is used for crops or as pasture; or

(ii) is comprised of soils that are classified by the United States Department of Agriculture as being prime soils.

(2) Standards for replacing topsoil removed during excavations performed in connection with pipeline construction or burial. Standards adopted under this subdivision may include requirements for any of the following:

(A) The segregation of topsoil and subsoil during excavation.

(B) The removal of rocks, construction debris, or other materials from the topsoil before replacement.

(C) The prevention of topsoil erosion.

(D) The alleviation of topsoil compaction.

(E) The restoration of soil on an affected landowner's property to the soil's preconstruction condition.

(3) Standards requiring a pipeline company to prevent or

remedy damage to underground drainage tiles during construction of the pipeline. Standards adopted under this subdivision may require a pipeline company to do any of the following:

(A) Take certain actions to prevent damage to underground drainage tiles, including locating and staking all tile lines before construction.

(B) Maintain a specified distance between underground drainage tiles and the pipeline during the placement or construction of the pipeline.

(C) Probe or examine tile lines located in construction sites to determine whether any tile has been damaged during construction.

(D) Repair or replace any underground drainage tiles that are damaged during construction.

(4) Standards for the removal of construction debris from an affected landowner's property during and after all construction activity.

(5) Standards for restoring land to its preconstruction condition, including the restoration of the land's elevation and contour through leveling or other land restoration practices.

(6) Standards governing the removal of trees from an affected landowner's property in connection with the construction of a pipeline.

(7) Standards governing a pipeline company's duties to an affected landowner when the pipeline company's construction activities cause an interruption in the affected landowner's use of an irrigation system on agricultural land.

(8) Standards governing the determination of routes to be used by a pipeline company in accessing a temporary or permanent easement on an affected landowner's property for construction or maintenance purposes, including the location of any temporary roads used in connection with construction activities.

(9) Standards governing a pipeline company's use of surface rights-of-way, including any:

(A) valve sites;

(B) metering stations;

(C) compression stations; or

(D) other locations in which pipeline facilities or appurtenances are located.

(10) Standards governing the pumping of water from any open trenches on an affected landowner's property during construction.

(11) Subject to IC 32-24-1-3(g), standards requiring a pipeline company to:

(A) provide advance notice to; or

(B) seek the permission of;

an affected landowner before entering the landowner's property to perform survey, inspection, construction, or maintenance activities.

(12) Standards establishing a method for an affected landowner to report any construction activities or repairs that:

(A) are performed by a pipeline company on the affected landowner's property; and

(B) violate, or appear to the landowner to violate, any standards that are:

- (i) included in the guidelines adopted by the division under this section and agreed to by the pipeline company; or
- (ii) otherwise agreed to by the pipeline company.

(13) Standards for:

- (A) compensating affected landowners for damage to private property as a result of construction activities; or
- (B) repairing or replacing private property that is damaged as a result of construction activities.

Standards adopted under this subdivision may specify that a pipeline company's obligations with respect to damaged property extends beyond the initial construction of the pipeline to include damages caused by the pipeline company during future construction, operation, maintenance, and repair activities related to the pipeline.

(14) Standards setting forth the time frame in which a pipeline company must make any repairs or take any other mitigative actions that are:

- (A) prescribed in the guidelines adopted by the division under this section; and
- (B) agreed to by the pipeline company.

(15) Standards requiring a pipeline company to indemnify an affected landowner against any claims or damages resulting from or arising out of:

- (A) the pipeline company's construction, maintenance, operation, repair, removal, or use of pipeline on the landowner's property; or
- (B) the existence of the pipeline on the landowner's property;

except for claims or damages resulting from or arising out of the landowner's negligence, intentional acts, or willful omissions.

(16) Any other standards that:

- (A) the division determines are necessary and in the public interest; and
- (B) do not conflict with the requirements of :
  - (i) any federal, state, or local regulations or rules; or
  - (ii) any permits or approvals required to be obtained by a pipeline company in connection with a pipeline construction project.

(b) The division may adopt the guidelines required by subsection (a) using the same streamlined procedures by which emergency rules may be adopted under IC 4-22-2-37.1. The division shall cause the guidelines adopted under subsection (a) to be published in the Indiana Register as a nonrule policy document.

(c) The guidelines adopted by the division under subsection (a) shall not be binding on any pipeline company or affected landowner but may be used by a pipeline company or an affected landowner to simplify negotiations involved in establishing a price for any:

- (1) easement; or
- (2) other interest in land;

needed by the pipeline company to construct a pipeline.

(d) In adopting the guidelines required by subsection (a), the division may consider adopting less intrusive or less costly alternative guidelines for pipeline companies that locate, or plan to locate, a pipeline along existing rights of way or easements. The division may consider the following methods of minimizing the burdens or costs of compliance for pipeline companies described in this subsection:

- (1) The establishment of less stringent guidelines governing the construction, maintenance, or repair of the pipeline.
- (2) The establishment of less stringent schedules or deadlines for construction, maintenance, or repair activities.
- (3) The consolidation or simplification of construction, maintenance, or repair guidelines.
- (4) An exemption from part or all of a particular guideline.

(e) In adopting the guidelines required by subsection (a), the division may consult with other states, or agencies of other states, that have adopted similar guidelines for the construction of pipelines. The division may also consult with any of the following:

- (1) Other state agencies in Indiana.
- (2) Any political subdivisions in Indiana in which pipelines are located or proposed to be located.
- (3) Public utilities, municipally owned utilities, or cooperatively owned utilities.
- (4) Pipeline companies.
- (5) Organizations representing agricultural interests in Indiana.
- (6) Other individuals or organizations that have an interest in, or are knowledgeable about, pipelines or pipeline construction.

Sec. 10. (a) For purposes of this section, a pipeline company proposes to construct a pipeline in Indiana if it does any of the following:

- (1) Files an application for a certificate of public convenience and necessity with the Federal Energy Regulatory Commission.
- (2) Undertakes:
  - (A) environmental, engineering, or cultural surveys; or
  - (B) other studies or surveys;
 in Indiana in preparation for filing an application described in subdivision (1).
- (3) Holds public meetings or hearings in Indiana concerning a proposed pipeline.
- (4) Enters upon land in Indiana for the purpose of determining the route or location of a proposed pipeline.
- (5) Contacts landowners in Indiana for the purpose of negotiating the price for:
  - (A) easements; or
  - (B) other interests in land;
 necessary for the construction of a pipeline.
- (6) Undertakes other actions in preparation for the construction of a pipeline.

(b) The division shall send, by certified mail, the following to each pipeline company that proposes to construct a pipeline in Indiana:



- (1) A copy of the guidelines adopted by the division under section 9 of this chapter.
- (2) A notice that includes the following:
- (A) A statement that the division has adopted the pipeline construction guidelines included with the notice.
  - (B) A statement indicating:
    - (i) that the pipeline construction guidelines have been mailed to all affected landowners, as determined by the division under section 11(a) of this chapter; and
    - (ii) that the division has encouraged the affected landowners to agree to the guidelines in any negotiations for easements or other land interests with the pipeline company.
  - (C) A statement asking the pipeline company to agree to comply with the construction guidelines included with the notice. The statement required by this clause must specify a method and deadline by which the pipeline company must do one (1) of the following:
    - (i) Indicate the pipeline company's agreement to comply with the guidelines.
    - (ii) Reject the guidelines and request a conference with the division to negotiate different or amended guidelines.
    - (iii) Reject the division's guidelines and negotiate construction standards with individual landowners as necessary to obtain easements or other interests in land.
  - (D) A statement indicating that any guidelines agreed to by the pipeline company under clause (C) shall not be binding on the pipeline company or affected landowners but may be used by the pipeline company and an individual landowner to simplify negotiations involved in establishing a price for any:
    - (i) easement; or
    - (ii) other interest in land;
 needed by the pipeline company to construct the pipeline.
  - (E) A statement including the contact information for the one (1) or more project coordinators designated by the division under section 12 of this chapter.
- (c) The division shall mail the guidelines and notice in accordance with subsection (b):
- (1) as soon as the division learns of the proposed pipeline as a result of the pipeline company performing one (1) or more actions described in subsection (a); or
  - (2) not later than three (3) business days after the Federal Energy Regulatory Commission provides notice under 18 CFR 157.9(a) of the pipeline company's application for a certificate of territorial authority;
- whichever occurs earlier.
- Sec. 11. (a) For purposes of this section, the division shall, to the extent practicable, determine the affected landowners with respect to a proposed pipeline project from any of the following:
- (1) Any actions described in section 10(a) of this chapter that are undertaken by the pipeline company.
  - (2) Any information on the pipeline's location, including any maps, that is included in a notice given by:
    - (A) the pipeline company under 18 CFR 157.6(d)(1); or
    - (B) the Federal Energy Regulatory Commission under 18 CFR 157.9(a).
  - (3) The tax records of each county that contains land that will be crossed or used by the proposed pipeline.
- (b) The division shall send, by certified mail, the following to each affected landowner:
- (1) A copy of, or reference to, the guidelines adopted by the division under section 9 of this chapter.
  - (2) A notice that includes the following:
    - (A) A statement that the division has adopted the pipeline construction guidelines included with, or referenced in, the notice.
    - (B) A statement indicating:
      - (i) that the pipeline construction guidelines have been mailed to the pipeline company; and
      - (ii) that the division has asked the pipeline company to agree to the guidelines in any negotiations for easements or other land interests with affected landowners.
    - (C) A statement indicating the date by which the pipeline company must:
      - (i) agree to comply with the guidelines;
      - (ii) reject the guidelines and negotiate different or amended guidelines with the division; or
      - (iii) reject the division's guidelines and decide to negotiate construction standards with individual landowners in connection with negotiating a price for easements or other interests in land necessary for the construction of the pipeline.
- The statement required by this clause must specify a date after which the affected landowner may contact a toll free telephone number established by the division to provide information on the status of any construction guidelines agreed to by the pipeline company.
- (D) A statement indicating that any guidelines agreed to by the pipeline company shall not be binding on the pipeline company or affected landowners but may be used by the pipeline company and an individual landowner to simplify negotiations involved in establishing a price for any:
    - (i) easement; or
    - (ii) other interest in land;
 needed by the pipeline company to construct the pipeline.
  - (E) A statement encouraging the affected landowner to agree to any construction guidelines that the pipeline company agrees to follow, to the extent that the landowner determines that the guidelines are not contrary to the landowner's best interests.
  - (F) A statement including:
    - (i) contact information for the one (1) or more project coordinators designated by the division under section 12 of this chapter;

- (ii) contact information for the Federal Energy Regulatory Commission, including a local or toll free telephone number; and
- (iii) the commission's web site address.

(c) The division shall mail the information required under subsection (b) not later than twenty (20) days after:

- (1) the division learns of the proposed pipeline as a result of the pipeline company performing one (1) or more actions described in section 10(a) of this chapter; or
- (2) the Federal Energy Regulatory Commission provides notice under 18 CFR 157.9(a) of the pipeline company's application for a certificate of territorial authority;

whichever occurs earlier."

Delete pages 3 through 10.

Page 11, delete lines 1 through 35.

Page 11, line 36, delete "3." and insert "12."

Page 12, line 9, delete "4" and insert "13".

Page 12, line 11, delete "4." and insert "13."

Page 12, line 13, delete "pipeline construction standards set forth in" and insert "guidelines adopted by the division under section 9 of this chapter."

Page 12, delete line 14.

Page 12, line 29, delete "3" and insert "12".

Page 12, between lines 36 and 37, begin a new paragraph and insert:

"(b) The division shall update the information required under subsection (a)(1) whenever:

- (1) one (1) or more guidelines adopted under section 9 of this chapter are amended or repealed by the division; or
- (2) one (1) or more new guidelines are adopted by the division."

Page 12, line 37, delete "(b)" and insert "(c)".

Page 13, line 1, delete "3" and insert "12".

Page 13, line 37, delete "IC 8-1-22.6-7)." and insert "IC 8-1-22.6-8)."

Renumber all SECTIONS consecutively.

(Reference is to SB 529 as printed February 23, 2007.)

JACKMAN

Motion prevailed. The bill was ordered engrossed.

#### Senate Bill 530

Senator Kruse called up Senate Bill 530 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Senate Bill 534

Senator Lubbers called up Senate Bill 534 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Senate Bill 537

Senator Riegsecker called up Senate Bill 537 for second reading. The bill was read a second time by title.

SENATE MOTION  
(Amendment 537-1)

Madam President: I move that Senate Bill 537 be amended to

read as follows:

Page 1, line 6, after "to" insert ":-".

Page 1, line 7, begin a new line double block indented and insert: "(1)".

Page 1, line 7, delete "." and insert "; or".

Page 1, between lines 7 and 8, begin a new line block indented and insert: "(2) in the event of the worker's death, to the worker's dependants, as defined in IC 22-3-3-19 or IC 22-3-3-20."

(Reference is to SB 537 as printed February 23, 2007.)

TALLIAN

Motion prevailed. The bill was ordered engrossed.

#### Senate Bill 542

Senator Merritt called up Senate Bill 542 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Senate Bill 548

Senator Lubbers called up Senate Bill 548 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Senate Bill 553

Senator Drozda called up Senate Bill 553 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Senate Bill 556

Senator Kruse called up Senate Bill 556 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Senate Bill 557

Senator Kruse called up Senate Bill 557 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Senate Bill 561

Senator Mishler called up Senate Bill 561 for second reading. The bill was read a second time by title.

SENATE MOTION  
(Amendment 561-1)

Madam President: I move that Senate Bill 561 be amended to read as follows:

Page 3, line 35, delete "December" and insert "June".

Page 3, line 36, delete "31," and insert "1,".

(Reference is to SB 561 as printed February 23, 2007.)

LAWSON

Motion prevailed. The bill was ordered engrossed.

**Senate Bill 562**

Senator Mishler called up Senate Bill 562 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 573**

Senator Steele called up Senate Bill 573 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 577**

Senator Merritt called up Senate Bill 577 for second reading. The bill was read a second time by title.

SENATE MOTION  
(Amendment 577-3)

Madam President: I move that Senate Bill 577 be amended to read as follows:

Page 28, line 36, delete "fees" and insert "**commissions**".  
Page 28, line 37, delete "fees" and insert "**commissions**".  
Page 37, line 11, after "in" insert "**bioscience**".  
(Reference is to SB 577 as printed February 23, 2007.)

KENLEY

Motion prevailed.

SENATE MOTION  
(Amendment 577-4)

Madam President: I move that Senate Bill 577 be amended to read as follows:

Page 32, line 30, delete "2009." and insert "**2008. The commission may not execute an initial management agreement after December 31, 2007.**".

(Reference is to SB 577 as printed February 23, 2007.)

KENLEY

Motion prevailed.

SENATE MOTION  
(Amendment 577-7)

Madam President: I move that Senate Bill 577 be amended to read as follows:

Page 28, delete lines 39 through 40, begin a new line block indented and insert:

**"(12) A requirement that advertising and promotion must be:**

- (A) consistent with the dignity and integrity of the state; and**
- (B) approved by the commission."**

(Reference is to SB 577 as printed February 23, 2007.)

ZAKAS

Motion prevailed.

SENATE MOTION  
(Amendment 577-6)

Madam President: I move that Senate Bill 577 be amended to

read as follows:

Page 27, line 16, delete "has the authority to approve under this" and insert "**operated before the management agreement is executed or is operating on the date the management agreement is executed.**".

Page 27, delete line 17.

Page 27, delete lines 38 through 42, begin a new paragraph and insert:

**"(b) The management agreement must include the following provisions to ensure that the manager does not earn excess revenue under the management agreement:**

**(1) The budget agency shall calculate the average annual growth (expressed as a percentage) in gross revenue earned by the commission during the last five (5) full state fiscal years preceding July 1, 2006. For purposes of this subsection, this percentage is referred to as the "baseline growth percentage".**

**(2) Beginning with the second full state fiscal year after the execution of the management agreement, the budget agency shall for each state fiscal year calculate the growth (expressed as a percentage) in gross revenue earned by the manager under the management agreement, as compared to the preceding state fiscal year.**

**(3) The commission shall establish an excess payments account for purposes of this subsection. Any earnings from money in the excess payments account accrue to the account. Money in the excess payments account may be used only to make payments to a manager as required by this subsection and to receive payments from a manager as required by this subsection. Money in the excess payments account is continuously appropriated for purposes of this subsection.**

**(4) If the percentage calculated by the budget agency under subdivision (2) for a particular state fiscal year exceeds the baseline growth percentage, the manager must make an additional payment to the commission. The amount of the additional payment for the state fiscal year is equal to:**

**(A) the gross revenue earned by the manager from lottery tickets in the state fiscal year; multiplied by**

**(B) the difference between the percentage calculated by the budget agency under subdivision (2) for the state fiscal year and the baseline growth percentage.**

**The commission shall deposit any additional payment made by the manager under this subdivision into the excess payments account.**

**(5) If the baseline growth percentage exceeds the percentage calculated by the budget agency under subdivision (2) for a particular state fiscal year, the commission must make a payment to the manager from the excess payments account. However, the commission is required to make a payment to the manager only if the excess payments account has a positive balance. The amount of the payment by the commission for the state fiscal year is equal to the lesser of:**

**(A) the result of:**

**(i) the gross revenue earned by the manager from lottery tickets in the state fiscal year; multiplied by**

(ii) the difference between the baseline growth percentage and the percentage calculated by the budget agency under subdivision (2) for the state fiscal year; or

(B) the balance in the excess payments account.

(6) The management agreement must specify the time by which a payment required under this subsection shall be made.

(7) If at the expiration or termination of the management agreement there is money remaining in the excess payments account, the commission shall transfer that money to the administrative trust fund established by IC 4-30-15-1."

Page 28, delete lines 1 through 4.

Page 28, line 40, after "state." insert "**The management agreement must include guidelines to ensure that advertising and promoting of the lottery by the manager are not misleading and fairly balance the potential benefits and the potential costs and risks of playing lottery games.**".

(Reference is to SB 577 as printed February 23, 2007.)

DILLON

Motion prevailed.

SENATE MOTION  
(Amendment 577-1)

Madam President: I move that Engrossed Senate Bill 577 be amended to read as follows:

Page 36, after line 42, begin a new paragraph and insert:

"SECTION 67. IC 5-13-5-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 6. Public funds may not be used to conduct embryonic stem cell research.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 577 as printed February 23, 2007.)

DROZDA

Senator Drozda withdrew the motion.

SENATE MOTION  
(Amendment 577-2)

Madam President: I move that Engrossed Senate Bill 577 be amended to read as follows:

Page 40, between lines 37 and 38, begin a new paragraph and insert:

"**Sec. 9. A grant awarded under this chapter may not be used to conduct embryonic stem cell research.**".

(Reference is to SB 577 as printed February 23, 2007.)

DROZDA

Upon request of Senator Simpson the President ordered the roll of the Senate to be called. Roll Call 172: yeas 32, nays 17.

Motion prevailed. The bill was ordered engrossed.

**ENGROSSED SENATE BILLS  
ON THIRD READING**

**Engrossed Senate Bill 20**

Senator Delph called up Engrossed Senate Bill 20 for third

reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 173: yeas 47, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Van Haaften and Hinkle.

**Engrossed Senate Bill 70**

Senator M. Young called up Engrossed Senate Bill 70 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 174: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Pierce and Richardson.

**Engrossed Senate Bill 106**

Senator Lanane called up Engrossed Senate Bill 106 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 175: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Reske.

**Engrossed Senate Bill 129**

Senator M. Young called up Engrossed Senate Bill 129 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 176: yeas 48, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Tyler, Hinkle, and Frizzell.

**Engrossed Senate Bill 201**

Senator Miller called up Engrossed Senate Bill 201 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning Medicaid.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 177: yeas 47, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives C. Brown and T. Brown.

**Engrossed Senate Bill 238**

Senator Ford called up Engrossed Senate Bill 238 for third reading:

A BILL FOR AN ACT concerning trade regulation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 178: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Austin and Duncan.

**Engrossed Senate Bill 248**

Senator Mrvan called up Engrossed Senate Bill 248 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 179: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Lawson.

**Engrossed Senate Bill 390**

Senator Broden called up Engrossed Senate Bill 390 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 180: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Bardon and Koch.

**Engrossed Senate Bill 412**

Senator Hershman called up Engrossed Senate Bill 412 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 181: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Lawson and Walorski.

**Engrossed Senate Bill 432**

Senator Gard called up Engrossed Senate Bill 432 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 182: yeas 26, nays 23. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Dvorak and Wolkins.

**Engrossed Senate Bill 457**

Senator Riegsecker called up Engrossed Senate Bill 457 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 183: yeas 23, nays 26. The bill was declared defeated.

**Engrossed Senate Bill 490**

Senator Kruse called up Engrossed Senate Bill 490 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 184: yeas 44, nays 5. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Micon, Hinkle, Reske, and Torr.

**Engrossed Senate Bill 555**

Senator Broden called up Engrossed Senate Bill 555 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 185: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors Representatives Van Haaften and Saunders.

**MESSAGE FROM THE HOUSE**

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed House Bills 1348, 1386, 1392, 1406, 1347, and 1356 and the same are herewith transmitted to the Senate for further action.

CLINTON MCKAY  
Principal Clerk of the House

**MESSAGE FROM THE HOUSE**

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed House Bills 1359, 1424, 1428, 1429, 1437, 1452, and 1461 and the same are herewith transmitted to the Senate for further action.

CLINTON MCKAY  
Principal Clerk of the House

**SENATE MOTION**

Madam President: I move that Senator Kruse be added as coauthor of Senate Bill 555.

BRODEN

Motion prevailed.

**SENATE MOTION**

Madam President: I move that Senator Waltz be added as second author and Senator Tallian be added as third author of Engrossed Senate Bill 129.

M. YOUNG

Motion prevailed.

**SENATE MOTION**

Madam President: I move that Senator Bray be added as second author and Senator Skinner be added as third author of Engrossed Senate Bill 520.

M. YOUNG

Motion prevailed.

**SENATE MOTION**

Madam President: I move that Senator Tallian be added as coauthor of Engrossed Senate Bill 490.

KRUSE

Motion prevailed.

**SENATE MOTION**

Madam President: I move that Senators Howard, Skinner, Mrvan, and Lanane be added as coauthors of Senate Bill 390.

BRODEN

Motion prevailed.

**SENATE MOTION**

Madam President: I move that Senator Howard be added as coauthor of Senate Bill 248.

MRVAN

Motion prevailed.

**SENATE MOTION**

Madam President: I move that Senator Heinold be added as second author and Senator Landske be added as coauthor of Engrossed Senate Bill 70.

M. YOUNG

Motion prevailed.

**SENATE MOTION**

Madam President: I move that Senator Breaux be added as coauthor of Senate Bill 106.

LANANE

Motion prevailed.

**SENATE MOTION**

Madam President: I move that Senator Miller be added as second author of Engrossed Senate Bill 561.

MISHLER

Motion prevailed.

**SENATE MOTION**

Madam President: I move that Senator Kenley be added as second author and Senator Deig be added as third author of Engrossed Senate Bill 431.

GARD

Motion prevailed.

**SENATE MOTION**

Madam President: I move we adjourn until 10:30 a.m., Tuesday, February 27, 2007.

LONG

Motion prevailed.

The Senate adjourned at 7:58 p.m.

MARY C. MENDEL  
Secretary of the Senate

REBECCA S. SKILLMAN  
President of the Senate